

94
TWELFTH ANNUAL REPORT

OF THE

COMMISSIONERS

OF THE ,

State Reservation at Niagara

FOR THE FISCAL YEAR,

From October 1, 1894, to September 30, 1895.

TRANSMITTED TO THE LEGISLATURE JANUARY 28, 189

WYNKOOP HALLENBECK CRAWFORD CO.,

STATE PRINTERS,

ALBANY AND NEW YORK.

1896.

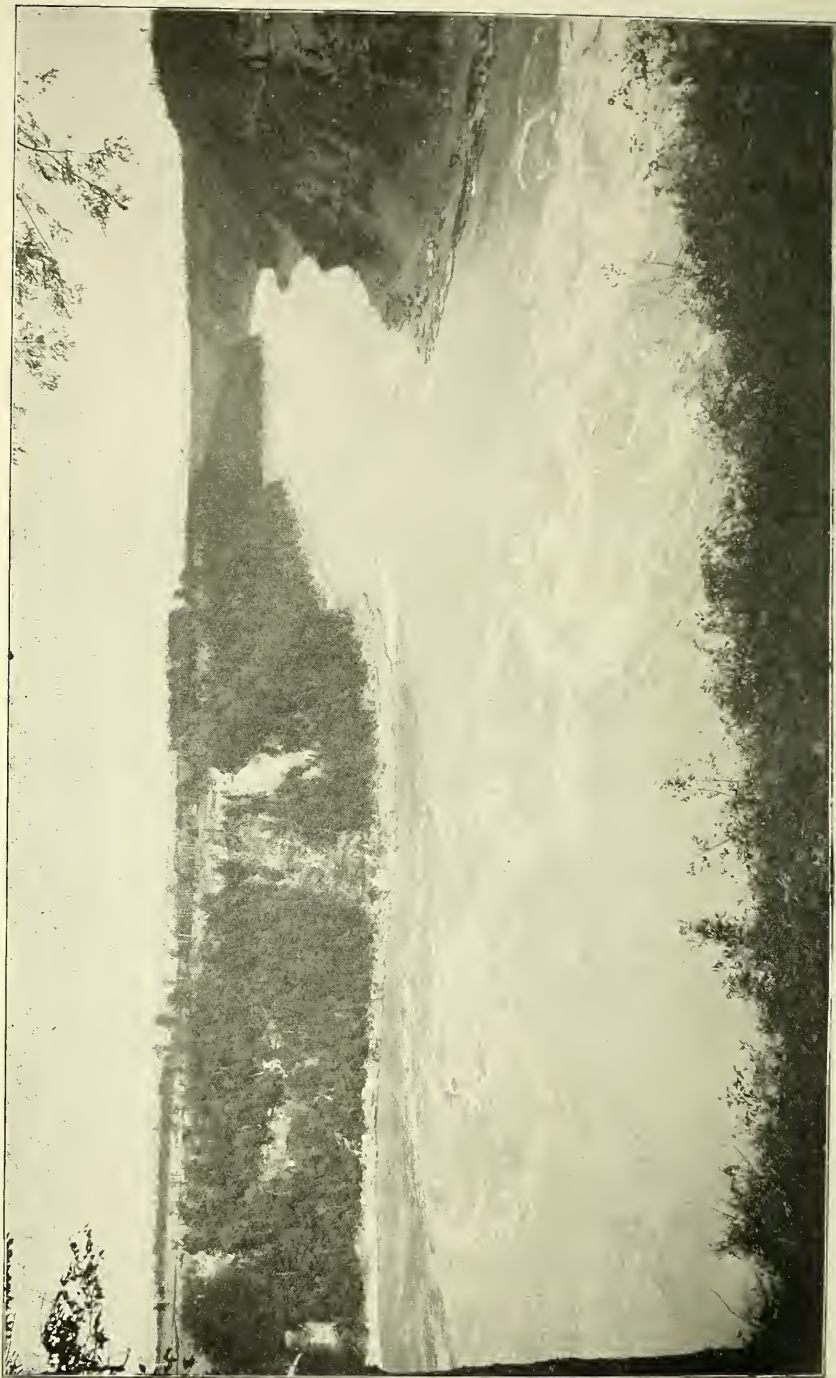
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THE OUTLET OF THE WHIRLPOOL. (Frontispiece.)

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COMMISSIONERS.

ANDREW H. GREEN, *President.*

JOHN M. BOWERS.

ROBERT L. FRYER.

WILLIAM HAMILTON.

GEORGE RAINES.

••••• TREASURER AND SECRETARY,
••••• HENRY E. GREGORY.

SUPERINTENDENT,
THOMAS V. WELCH.

STATE OF NEW YORK.

No. 40.

IN ASSEMBLY,

JANUARY 28, 1896..

TWELFTH ANNUAL REPORT

OF THE

Commissioners of the State Reservation at Niagara for the Year 1895.

To the Honorable the Speaker of the Assembly:

SIR.—I herewith transmit for presentation to the Legislature the twelfth annual report of the Commissioners of the State Reservation at Niagara, for the fiscal year ended September 30, 1895.

Respectfully yours,

ANDW. H. GREEN,

President.

R E P O R T .

To the Honorable the Legislature of the State of New York :

The Commissioners of the State Reservation at Niagara, as required by law, submit their report for the fiscal year begun October 1, 1894, and ended September 30, 1895, being their twelfth annual report.

The tenth year of the existence of the Reservation ended July 15, 1895. The changes that have taken place during this decade of years have been indicated in the annual reports. A recital of them conveys but an inadequate impression of what has been accomplished. One can only realize what has been done towards restoring the scenery of the Falls to a state resembling that in which it was before commerce and civilization began to utilize the waters of the Niagara river, by a visit to the Falls. No one who remembers the condition of the shore and islands of the Niagara in the vicinity of the Falls during the summer of 1885 could fail to be gratified by their appearance in the summer of 1895.

The commissioners are not inclined to overestimate what has been done by themselves or their predecessors. Indeed, they are quite willing to admit that much more might have been done and that the work of restoration might have been much further advanced had the appropriations been adequate. When it is recollected that only since 1887 have they had an annual appropriation for maintenance, and that not until 1889 was an appropriation for special improvements granted to them, and when the limited amount of these allowances is considered, the results are perhaps not unsatisfactory.

It probably did not occur to those who interested themselves in the work preliminary to the establishment of the Reservation, the work of arousing public sentiment and securing legislative approval of the project, that the State, which in 1885 was willing to expend a large sum of money to make Niagara free, would so soon tolerate, authorize and legalize schemes that could not but be injurious to the Reservation and in antagonism to the purpose of the State in establishing it.

By the act of 1885 the lands of the Reservation were made free to all mankind forever. Or, in the language of the statute, "They shall forever be reserved by the State for the purpose of restoring the scenery of the Falls of Niagara to and preserving it in its natural condition; they shall forever be kept open and free of access to all mankind without fee, charge or expense to any person for entering upon or passing to or over any part thereof." The State assumed a trusteeship over them. Henceforth they were to be regarded as in a measure sacred. No new structures, save those necessary for the comfort and convenience of the people, no money-making schemes, no speculative enterprises, no tramways, no advertisements were to be permitted within the Reservation. The lands of the Reservation were to be restored to their natural condition. And although corporations and individuals have sought to secure a foothold within the Reservation for private pecuniary profit, they have thus far always been defeated.

The Legislature might, by enacting laws allowing private interests to obtain rights within the Reservation, nullify the act of 1885. The commissioners are convinced, however, that should such a course be pursued, or attempted, the opposition would be so strenuous as to prevent its eventual success. It is not unreasonable to expect that the Legislature will co-operate with the commissioners, and sustain them in their efforts to protect the Reservation from encroachment and injury.

A bill was presented to the Legislature last winter, the purpose of which was, to authorize a company to erect a tower on the American side of the river and from this tower to stretch cables across the gorge to the Queen Victoria park, and along these cables to run cars to enable passengers to get views of the Falls and the river. Such a proposition seems too preposterous to merit serious consideration; nevertheless, it may be brought forward again, and unless stoutly opposed, may yet become an accomplished fact.

Another scheme last winter was to permit a tramway company to run its tracks into the Reservation. A bill was introduced in the Senate entitled, "An act to confirm the right of way of the Niagara Falls and Suspension Bridge Railway Company."

Section 2 of the bill reads as follows: "The rights of said railway company were not cut off or extinguished by the proceedings of the Commissioners of the State Reservation at Niagara Falls under and by virtue of chapter three hundred and thirty-six of the laws of eighteen hundred and eighty-three and any act or acts amendatory thereof, as no compensation was awarded to said company in said proceedings."

The position of the commissioners, with reference to this contention, is, that by the proceedings taken by the commissioners to acquire the property now included within the Reservation, the rights of every person and corporation to or in land of the Reservation, were completely extinguished. The proceedings were entirely legal and regular. Due notice was given to all persons interested. If any wrong was done to any property-owner or person, or corporation claiming rights to or in the property, there was ample opportunity for appeal to the courts, and for substantial redress.

It is hardly necessary to repeat that the commissioners are strenuously opposed to all schemes that are in any way intended to permit private persons or corporations to obtain rights within, or to encroach upon the Reservation. That such measures should be presented to the

Legislature with any prospect of favorable consideration is unaccountable, especially in view of the expressed opinions of the authorities distinctly charged with the protection and preservation of this property of the State.

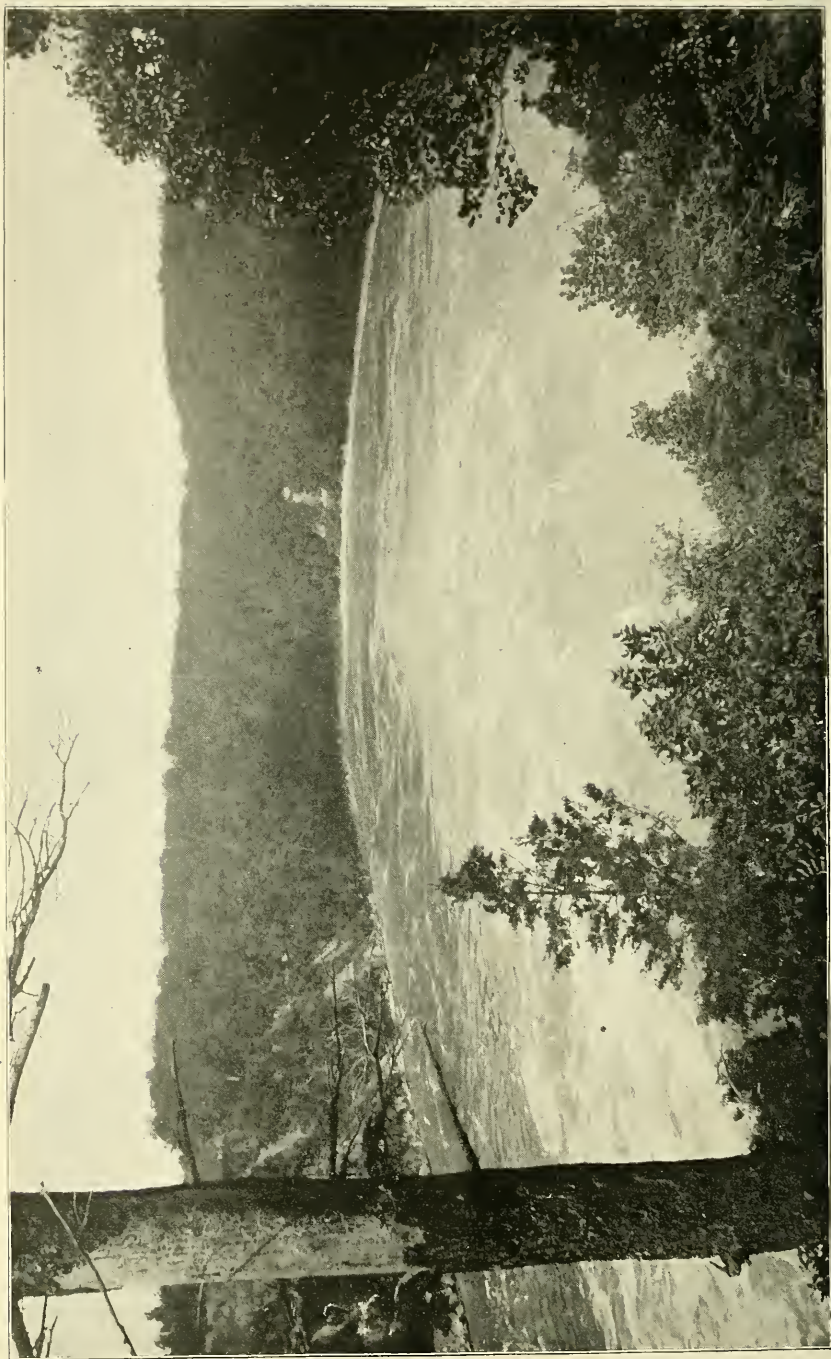
It would seem to be the duty of the commissioners to take, if possible, a more determined attitude than ever in opposition to all measures of this sort. With reference to diversions of the water of the river, they maintain that, as the boundary of the Reservation extends to the line that divides the United States from the Dominion of Canada, it is their duty to protest against the drawing off of the water into canals and tunnels, as directly tending to work injury to the property of the State and its sublimest spectacle.

The method by which it is possible to inflict the greatest injury upon the Reservation and to diminish the value of the State's property at Niagara has been referred to in previous reports; and that is, to grant to private corporations the right to divert the waters of the Niagara river above the Falls, by drawing off sufficient quantities of which, it will not be very long before the volume going over the American fall will be noticeably diminished. If the Falls cease to be attractive by reason of the diminution of the volume of water; if, instead of being the most stupendous of all the world's cataracts, they become reduced and disappointing, it can readily be seen that the usefulness and attractiveness of the Reservation will become seriously impaired.

It need hardly be repeated that the American fall will suffer much more from diversions on the American side than the Horseshoe or Canadian fall.

Eight corporations claim to have already secured the right to divert the waters of the upper Niagara, and without contributing a dollar by way of compensation.

That these grants are indefensible and antagonistic to the public interest, would seem to require no demonstration. And it is not



THE WHIRLPOOL

unreasonable to question the existence of the moral or legal right to grant to private corporations, without compensation, what belongs to the people. But what has already been done at the urgency of private speculators may be repeated, the more especially as the efforts made to secure in the new Constitution a clause prohibiting such action, were unsuccessful.

The Commissioners of the Queen Victoria Niagara Falls Park have granted to one corporation, at least, the right to divert the water on the Canadian side of the river, as well as to erect structures and dig a tunnel. But for this grant or concession they have exacted what would seem to be a somewhat insufficient and inadequate compensation.

The commissioners are not informed whether such action on the part of the Ontario authorities has met with public approval on the Canadian side. But whether or not the Canadian people approve of the eventual injury to the Queen Victoria Park and the diminution of the flow at the Falls, they can at least commend their commissioners for having the sagacity to secure for the rights granted at least some remuneration.

But whether compensation is exacted or not, such diversions are likely to work injury to the Falls, and the time may come when the great spectacle, unequalled as it is and so famous not in this country only, but throughout the civilized world, will cease to be an attraction.

If the State of New York and the Province of Ontario fail to interpose for the protection of the great cataract from threatened injury, the question arises whether protection can not be insured by the intervention of the governments of the two nations whose territories are bounded by these waters.

There is no doubt that the Niagara, though a tideless river, and one in which navigation is interrupted by rapids and falls, is a public and navigable stream or watercourse, a watercourse that carries the discharges of the four great lakes into the fifth. Again, the Niagara is an international boundary stream. Through it runs the imaginary

boundary line that separates the United States from the Dominion of Canada. This fact and the fact that it is a public navigable stream, secure to the federal government jurisdiction over its waters, either to prevent excessive diversions on the Canadian side, or to enter into relations with the government of Great Britain, in order to effect, by treaty or convention, the preservation of the Falls of Niagara. The Niagara, on the American side of the boundary line, is subject to the control of Congress and to the admiralty jurisdiction of the United States courts under the Constitution.

The right to control the waters of a river which is a boundary between two countries, belongs to both countries. This right is incidental to sovereignty. The withdrawal of excessive quantities of water by one country would naturally give rise to complaint from the other. Should Canada or Ontario authorize or permit the diversion of a sufficient quantity of the water of the upper Niagara to inflict injury upon the opposite bank, or the riparian owners thereof, it would be incumbent upon the federal government to remonstrate and prevent it. The State of New York, it need hardly be said, can not enter into negotiations with a foreign power.

While it is true that the State of New York is the owner of the river-bed to the boundary line, it can hardly be questioned that the United States, through the executive, in the exercise of the treaty-making power appertaining to sovereignty, can enter into an agreement with Great Britain to prevent the further diversion of the water of the upper Niagara.

The cataract being so unique a spectacle, and belonging, one may say, to the human race, the nations within whose boundaries it lies may be regarded as trustees for its protection and preservation, and therefore it becomes obligatory upon them to see to it that private corporations shall not be permitted to diminish its grandeur.

If the United States and Great Britain refuse to interpose, there is nothing to prevent the State of New York and the Province of Onta-

rio from drawing off so much of the water of the upper Niagara as to make the cataract practically disappear.

But inasmuch as natural objects of great fame and dignity are now regarded by enlightened people as entitled to governmental protection, and States as under an implied trust or obligation to preserve them for the benefit, instruction and pleasure of the people, it would seem to be the most natural and proper course for the two governments to agree that hereafter the protection required and expected shall be accorded.

Whether or not the diversions authorized, or claimed to be authorized, will have a serious effect upon the cataract, need not be here discussed. So long as the upper river remains beyond the pale of international protection, there is constant danger to the cataract.

If, to cultivated men both in this country and in England, it seemed to be reprehensible for the State of New York and the Province of Ontario to permit the banks and islands of the Niagara, adjacent to the Falls, to remain under private control, with all the concomitant and inevitable defacements, unsightlinesses and injuries to the scenery, what shall be said when they grant away to private corporations the right to divert large volumes of the water of the upper Niagara, and thus lay profane hands upon the great cataract itself?

Surely, here is an opportunity for the two governments, in the exercise of the power which appertains to them as sovereigns, to interpose, and as trustees for the peoples of both countries and for mankind, to decree, that hereafter such diversions shall cease; that the Falls of Niagara shall be preserved in all their natural grandeur, in order that men of all nations may resort thither for edification and delight henceforth and forever.

The monthly receipts from the Reservation were as follows :

DATE.	From the Inclined Railway.	From rentals.	Dividends from Cataract Bank.	Interest on balances in bank.
1894.				
October	\$214 20	-----	\$56 69	-----
November	55 65	-----	-----	-----
December	40 35	-----	-----	\$42 28
1895.				
January	25 65	-----	-----	-----
February	9 05	-----	-----	-----
March	-----	-----	28 34	44 38
April	32 80	-----	-----	-----
May	203 70	-----	-----	-----
June	467 15	-----	113 38	52 01
July	1,016 30	\$550 00	-----	-----
August	1,969 75	570 00	-----	-----
September	906 25	970 00	56 69	23 39
	\$1,940 85	\$2,090 00	\$255 10	\$162 06
				255 10
				2,090 00
				4,940 85
Total				\$7,448 01

Monthly pay-rolls have been as follows :

DATE.	Amounts.	Supple- mentary.	Total.
1894.			
October	\$1,477 41	-----	-----
November	2,222 05	-----	-----
December	1,145 29	-----	-----
1895.			
January	1,198 05	-----	-----
February	1,199 42	\$52 50	-----
March	1,179 66	-----	-----
April	1,438 42	-----	-----
May	1,498 41	1,012 37	-----
June	1,863 17	437 50	-----
July	1,475 16	-----	-----
August	1,478 05	-----	-----
September	1,470 16	-----	-----
	\$17,645 25	\$1,502 37	\$19,147 62

Expenditures, as per abstract (maintenance), were as follows :

Abstract	LXXXVII	\$2,176 92
Abstract	LXXXVIII	4,508 43
Abstract	LXXXIX	2,055 50
Abstract	XC	2,864 52
Abstract	XCI	7,485 62
Abstract	XCII	1,507 18
Abstract	XCIII	25 00
Abstract	XCIV	5,037 06
Total		<u>\$25,660 23</u>

Improvement abstracts as follows :

Abstract	X. Series D.....	\$1,167 97	
Abstract	XI. Series D.....	9 19	
		<u></u>	\$1,177 16
Abstract	II. Series E.....	\$3,012 62	
Abstract	III. Series E.....	572 54	
Abstract	IV. Series E.....	28 44	
		<u></u>	3,613 60
Abstract	I. Series F.....	\$2,541 78	2,541 78
Total		<u></u>	<u>\$7,332 54</u>

The receipts and earnings of the Reservation have been sent to the State Treasurer monthly, and interest on balances in the Manufacturers and Traders' Bank, Buffalo, has been remitted to the same official quarterly.

The Comptroller has advanced to the commissioners quarterly a fourth part of the \$25,000 appropriated by chapter 654, Laws of 1894.

Of the treasurer's report herewith submitted, exhibiting in detail all receipts and disbursements for the fiscal year ended September 30, 1895, the following is a summary :

Balance on hand October 1, 1894 \$3,990 79

RECEIPTS.

Inclined railway.....	\$4,940 85	
Rentals	2,090 00	
Interest	162 06	
Dividends	255 10	
	<u></u>	7,448 01
From the State treasury, chapter 654, Laws of 1894.....		25,000 00
From the State treasury, chapter 726, Laws of 1893.....		1,177 16
From the State treasury, chapter 358, Laws of 1894.....		3,613 60
From the State treasury, chapter 932, Laws of 1895.....		2,541 78
Total	<u></u>	<u>\$43,771 34</u>

PAYMENTS.

Pay-rolls at Niagara (maintenance).....	\$19,147 62	
Repairs, materials, superintendent's expenses, etc.....	5,166 62	
Commissioners, treasurer, traveling expenses, etc	1,345 99	
		<u>\$25,660 23</u>
Remitted to State Treasurer.....	7,448 01	
Improvements.....	1,177 16	
Improvements.....	3,613 60	
Improvements.....	2,541 78	
Balance	3,330 56	
		<u><u>\$43,771 34</u></u>
Total		
Total receipts since organization of commissioners, 1883	\$391,765 69	
Total disbursements.....	388,435 13	
		<u><u>\$3,330 56</u></u>
Total		

The Legislature has made appropriations for maintenance, current expenses and salaries, as follows :

By chapter 336, Laws of 1883.....	\$10,000 00
By chapter 656, Laws of 1887.....	20,000 00
By chapter 270, Laws of 1888.....	25,000 00
By chapter 569, Laws of 1889	25,000 00
By chapter 84, Laws of 1890.....	20,000 00
By chapter 144, Laws of 1891.....	20,000 00
By chapter 324, Laws of 1892	20,000 00
By chapter 414, Laws of 1893	25,000 00
By chapter 654, Laws of 1894.	25,000 00
By chapter 807, Laws of 1895	25,000 00
	<u><u>\$210,000 00</u></u>
Total	

For special improvements appropriations have been made as follows :

By chapter 570, Laws of 1889.....	\$15,000 00
By chapter 302, Laws of 1891	15,000 00
By chapter 356, Laws of 1892	15,000 00
By chapter 726, Laws of 1893	25,000 00
By chapter 358, Laws of 1894.....	20,000 00
By chapter 932, Laws of 1895.....	20,000 00
	<u><u>\$110,000 00</u></u>
Total	

In compliance with statutory directions, the commissioners have remitted to the State treasury the receipts from the Reservation, as follows :

From October 1, 1887, to September 30, 1888.....	\$9,331 55
From October 1, 1888, to September 30, 1889.....	7,393 77
From October 1, 1889, to September 30, 1890.....	7,670 29
From October 1, 1890, to September 30, 1891.....	9,327 67
From October 1, 1891, to September 30, 1892.....	9,823 03
From October 1, 1892, to September 30, 1893.....	10,923 85
From October 1, 1893, to September 30, 1894.....	9,251 43
From October 1, 1894, to September 30, 1895.....	7,448 01
Total	<u>\$71,169 60</u>

The following is "an estimate of the work necessary to be done and the expenses of maintaining said Reservation for the ensuing fiscal year," ending September 30, 1896 :

CONSTRUCTION.

Grading, planting, etc.....	<u>\$25,000 00</u>
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MAINTENANCE.

Salaries, office and traveling expenses.....	\$4,750 00
Reservation police.....	5,400 00
Mechanics and laborers.....	7,500 00
Materials, tools, etc.....	6,000 00
Miscellaneous.....	1,350 00
Total.....	<u>\$25,000 00</u>

Estimated receipts from October 1, 1895, to September 30, 1896 :

Inclined railway.....	\$6,000 00
Cave of the Winds.....	1,200 00
Ferry and steamboat landing.....	750 00
Carriage service.....	100 00
Baggage-room.....	50 00
Interest	150 00
Total.....	<u>\$8,250 00</u>

During the year the shores of the Reservation have been improved by grading, and by planting so as to fringe the banks in a natural and picturesque manner. Trees and shrubs have also been planted along the walks of Prospect Park. Native specimens have been chiefly used, and the aim has been to produce a wild, natural effect, in harmony with the surrounding scenery.

The work of grading and planting has been carried on in accordance with the advice of Samuel Parsons, Jr., landscape architect to the board.

A new shelter building on Goat Island was begun in August, but not having been completed during the fiscal year, a further account of it will be deferred until the next annual report.

A new terminal station at the foot of the Inclined Railway is in course of construction, and will be more particularly referred to in the next report.

For a detailed account of the work of the year, the annual report of the superintendent, which is herewith submitted, should be consulted.

The commissioners have not abandoned hope of some day having an elevator on Goat Island in place of the old Biddle stairs.

The bridges that connect Bath Island and Goat Island with the main land have required numerous repairs and considerable expenditures. They are at present safe for the ordinary travel. But they need frequent inspection, and may in the near future demand increased expenditures

New bridges of stone or steel, in place of the old ones, would be an improvement of permanent value. The commissioners have not yet determined upon plans on such bridges, but they are quite sure that money appropriated for such a purpose would be wisely expended, and they respectfully request a special appropriation of \$25,000 towards these proposed structures.

Respectfully submitted.

ANDW. H. GREEN,

President.

JOHN M. BOWERS,

ROBERT L. FRYER,

WILLIAM HAMILTON,

GEORGE RAINES,

Commissioners of the State Reservation at Niagara.



BOWLDER BRIDGE. WILLOW ISLAND (WEST SIDE).

Report of the Superintendent.

To the Board of Commissioners of the State Reservation at Niagara :

GENTLEMEN. — I respectfully submit the annual report of the superintendent.

The work done during the year includes the construction of a shelter building on Goat Island, the commencement of the work of constructing a terminal station at the foot of the Inclined Railway, the completion of the work of renovating the two Whipple arch iron truss bridges, the construction of a boulder stone arched bridge at the head of Willow Island, the filling, grading and planting of the lawn below First street, the planting of the river bank between Prospect Park and Mill slip, the grading of the river bank between the bridge to the Islands and Mill slip, planting at the approach to Goat Island and the approaches to the Luna Island bridge, the planting of American elms along the Riverway and at the approach to the bridge to the Islands, the construction of a gravel walk on the Riverway between the northern entrance and Bridge street, and on the slope on Goat Island leading to the new Luna Island bridge. The road of Goat Island has been Macadamized, and the roads graveled on Bridge street, First street and Mill slip. The river has been deepened above the mouth of the inlet which supplies the Inclined Railway with water. Retaining walls and paved gutters have been constructed at the approaches to the Whipple arch bridges, stone walks and paved gutters constructed at Mill slip and at the intersection of Falls street and the Riverway, the buildings repaired and painted, and other incidental work performed.

Notices for sealed proposals for the erection of a shelter building on Goat Island and a terminal station at the foot of the Inclined Railway were published as directed. August seventh the contracts were awarded to the lowest bidders, to wit:

Shelter building.....	Wm. Shepard & Son.....	\$5,677 00
Terminal station.....	R. D. Young.....	8,366 47

Shelter Building on Goat Island.

Work on the shelter building was commenced August fifteenth. The building has been completed, and the approaches filled and graded.

The building will afford the public a much needed and convenient shelter from rain.

It also contains lavatories, toilet rooms and drinking fountains.

A photograph of the shelter building is herewith submitted.

Suitable shelter buildings are also needed at the American Falls and at the Horseshoe Falls on Goat Island, at which points visitors congregate in large numbers. At times of sudden rain storms the present shelters, at the entrance to Goat Island and at the Three Sisters Islands, are too far distant for the public convenience.

The Terminal Station.

Work on the terminal station was commenced September fifteenth. It has been much retarded by adverse winds which drench the workmen with spray from the Falls. The stone and brick work have been completed, and the rafters are in place. The building will soon be enclosed, but its completion before the coming spring is very doubtful.

Bridges.

The coping of the rustic stone arched bridge at the foot of Willow Island has been completed, and the structure suitably planted with vines and other plants.

A photograph of the rustic stone bridge is herewith submitted.

Boulder Bridge.

The wooden bridge at the head of Willow Island has been removed, and a single arch bridge constructed, composed of boulders taken from fields in the outskirts of the city. The approaches to the bridge have been filled and graded.

A photograph of the boulder bridge is herewith submitted.

Bridges to the Islands.

The work of substituting iron for wooden needle beams and stringers, in the two Whipple arch iron truss bridges, has been completed. The bridges have been painted, and retaining walls and paved gutters constructed at the ends of the bridges.

The bridge to Luna Island has been painted and the bridges to the Three Sisters Islands repaired and painted.

The bridge from Goat Island to the First Sister Island is in need of extensive repairs, and should be replaced by a new structure.

Plans for a rustic stone arched bridge in that locality have already been submitted.

Grading and Planting.

The lawn bounded by Buffalo avenue, First street, Mill slip and the Riverway, has been filled, graded and planted. Three thousand loads of filling, mainly from excavations made for paving city streets, were delivered without expense to the State.

April twenty-ninth, Samuel Parsons, Jr., made an examination of the grounds to be graded and planted. The river shore between Prospect Park and Mill slip has been restored, graded and planted. Loam for filling was carted to the locality from various parts of the city. Rustic stones for restoring the shore to a natural appearance were brought from Goat Island and from fields in the suburbs of the city, from which sod for covering was also carted. Considerable labor was required to conceal the outlet of the Cataract House conduit.

American elms have been planted along the Riverway and at the approach to the bridge to the islands.

Native shrubs have been planted in Prospect Park and in the territory lately graded between Prospect Park and Mill slip. The shrubs were selected by Theodore Wirth, landscape gardener, after consultation with Samuel Parsons, Jr., and were planted by Mr. Wirth under the directions of Mr. Parsons.

The rustic stone bridge and the boulder bridge have been suitably planted. The approaches to the Luna Island bridge have been planted and the banks at the approach to Goat Island.

Roads.

The road around Goat Island has been Macadamized with 1,275 yards of hand-broken stone and 750 yards of gravel. A covering of gravel has been placed on Bridge street.

The paving of Main street and the filling of the lawn necessitated the raising of the roadways about ten inches at that point, in Mill slip and in the Riverway. This was done with gravel obtained from excavations made during the winter, without expense to the State.

A carriage turn-out has been constructed in the road on Goat Island, adjacent to the new shelter building.

The road in Prospect Park has been widened and repaired, and materials obtained for further repairs of the road in Prospect Park, on the Riverway above First street, and on Bath Island, in the coming spring as soon as the weather will permit.

Walks.

The plank walks which remained on the west side of the Riverway, below Bridge street, have been removed and gravel walks ten feet wide constructed. A gravel walk, according to the plan adopted, has been constructed between Bridge street and Mill slip in the territory lately graded. A stone walk, curb and gutter have been constructed in Mill slip; stone gutters constructed at the intersection of Falls street and the Riverway, and the stone crosswalks at that point relaid. In the Riverway, along the new gravel walks, a margin eight feet wide has

been filled and sodded, and the old picket fence at Prospect Park removed.

The removal of the old picket fence at Prospect Park has greatly improved the appearance of the Reservation. The grounds in the locality are very attractive and are more largely frequented than any other portion. The road at that point, leading from the islands to the upper Suspension bridge, is the most frequented driveway in the city, and should be kept free from street railroads, which would destroy its beauty and excellence as a driveway.

Inclined Railway.

The low water in the river threatened to cut off the supply for the operation of the Inclined Railway. To obviate this, the inlet pier would have to be again extended, or several ledges of rock in the bed of the river, above the mouth of the inlet, removed. As the inlet pier is already a disfigurement in the locality, the latter course has been adopted. The ledges of rock have been blasted out and a sufficient supply of water obtained, although all of the rock which has been blasted has not yet been removed.

The machinery and water gate, in the Inclined Railway building, have been repaired, and a new cable purchased for the railway.

Pending the construction of the new terminal station, temporary waiting rooms were constructed at the bottom of the Inclined Railway.

During the late severe winter the accumulations of the ice at the foot of the Inclined Railway and on the railway structure were so great that at times it was not considered prudent to allow visitors to descend. The operation of the Inclined Railway was entirely suspended from February twenty-sixth to April twelfth.

The lack of proper accommodations at the foot of the railway and the building operations in progress have also tended to lessen the receipts from the Inclined Railway for the current year.

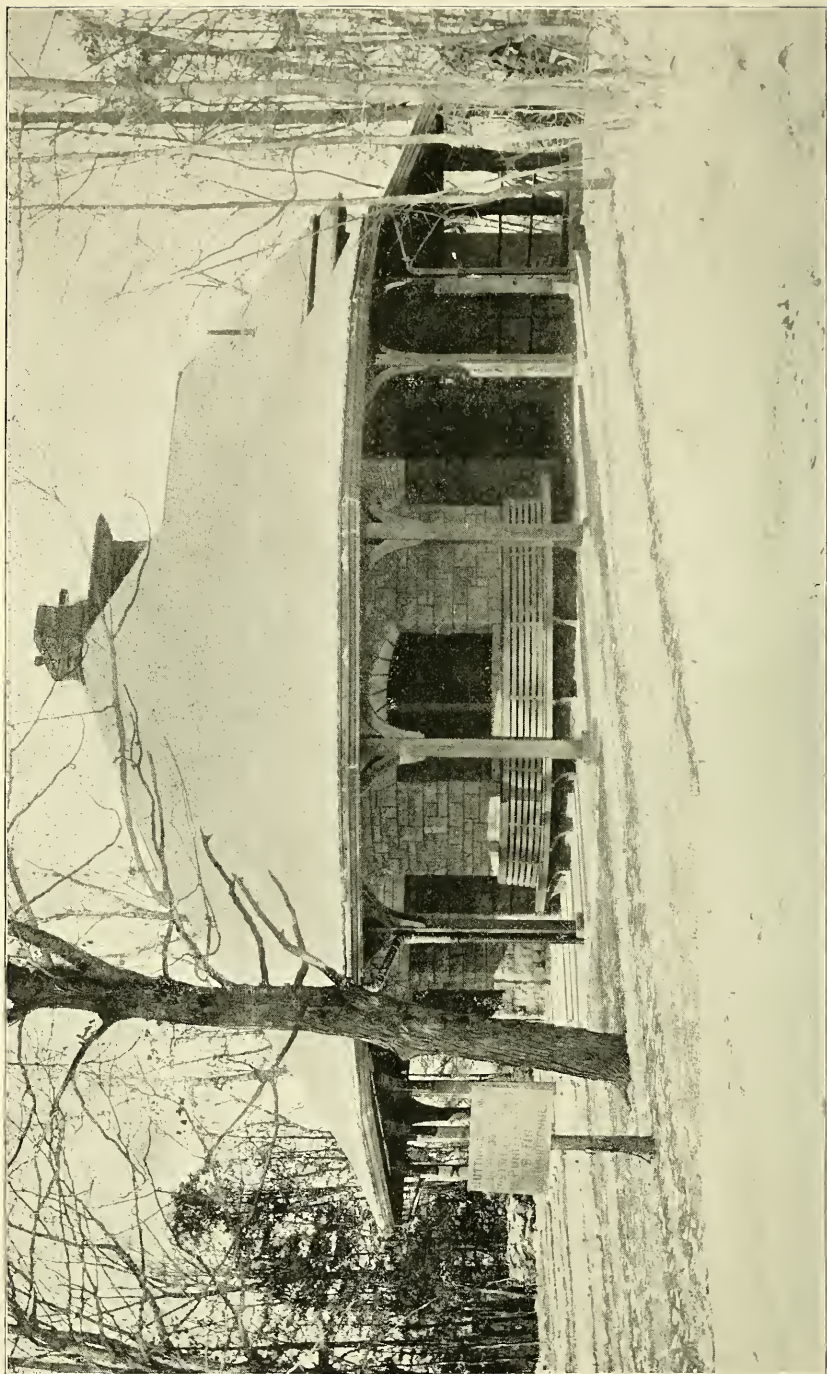
The seemingly dangerous condition of the cliff near the Inclined Railway structure has been brought to the notice of the President of the board.

Electric Lighting.

The removal of the fence on the Riverway has caused Prospect Park to be frequented in the evening by visitors and citizens much more than formerly. Difficulty is experienced in walking or driving in the grounds after sundown, and the necessity for lighting the grounds is constantly increasing. A proposal was received from Charles N. Owen and S. M. Brooks to light Prospect Park free of charge, and a similar proposal from the Buffalo and Niagara Falls Electric Light and Power Company. August ninth the proposal of the Buffalo and Niagara Falls Electric Light and Power Company was accepted by the executive committee. A form of license which had been submitted to the President, and amended by the Attorney-General of the State, was handed to the manager of the electric light company. A number of poles and a quantity of wire have been placed in Prospect Park, but the license has never been executed and nothing further has been done by the electric light company.

Legislative Investigation.

The sub-committee of the Legislative investigating committee visited the Reservation March second, and made an investigation into the management of the Reservation affairs. The chairman of the executive committee and the superintendent were in attendance. The books and papers of the Reservation and all possible information were placed at the disposal of the committee. A tour of the grounds and an inspection of the buildings and bridges were made, and the committee informed of the work done since the establishment of the Reservation, and the needs and requirements for its future maintenance and improvement.



THE SHELTER BUILDING. GOAT ISLAND.

The Street Railroad Bill.

April twenty-fourth, by direction of the President, the superintendent went to Albany and appeared before the railroad committees of the Senate and Assembly in opposition to the passage of a bill, entitled "An act to confirm the right of way of the Niagara Falls and Suspension Bridge Railway Company," and intended to permit the operation of a street railroad in a portion of the Riverway which is more largely used as a driveway than any other part of the Reservation. The superintendent also brought the matter to the attention of the Governor and the Attorney-General of the State.

The bill was not reported from the committee in either branch of the Legislature.

A copy of the proposed law is herewith submitted.

Water Supply.

Correspondence between the superintendent and the Niagara Falls Water Works Company, concerning the account for water furnished for the use of the Reservation, is herewith submitted. The account has been paid to June 1, 1893. Since that date no account has been rendered, although it has been requested by the superintendent each year.

The mains for water service in Prospect Park and on Goat Island are surface pipes, and the supply is shut off during the winter season. The need of a general plan for an adequate water service for the Reservation grounds and buildings, is now apparent.

An Elevator Wanted at the Cave of the Winds.

The waiting rooms and winding staircase at the Cave of the Winds have received the usual repairs during the year. The dressing rooms are inadequate and unsuitable. Better accommodations should be provided for the traveling public.

The Biddle staircase has been examined and pronounced safe, but it is old and dilapidated in appearance, and affords but a fatiguing

method of obtaining the unrivalled view of the Falls from below. It should be replaced by a commodious elevator, with a free stairway attached. Such an elevator, operated for a fee of five cents up or down, would furnish an estimated revenue of \$5,000 a year to the State, which with the present income, mainly derived from the Inclined Railway, would in time render the Reservation self-sustaining.

Employes.

The regular force employed consists of ten men, to wit: One superintendent, one clerk, six police gatemen and caretakers and two Inclined Railway men.

The following is a statement of the number of foremen, teamsters and laborers employed on maintenance and on works of improvement during the months of the year ending September 30, 1895:

PAY-ROLLS.	MAINTENANCE.			CHAP. 358, LAWS 1894.			SUPPLEMENTARY.			CHAP. 492, LAWS 1895.			
	Foreman.	Laborers.	Teamsters.	Foreman.	Laborers.	Teamsters.	Gardener.	Laborers.	Teamsters.	Gardener.	Foreman.	Laborers.	Teamsters.
1894.													
October.....	..	16	..	1	6	3	..	..	..	..	..	..	..
November.....	1	24	8	..	..	..	..	..	..	..	..	..	..
December.....	1	5	1	..	..	..	..	..	..	..	..	..	..
1895.													
January.....	1	6	1	..	..	..	..	..	..	..	..	..	..
February.....	1	7	1	..	..	..	..	..	..	..	..	..	..
March.....	1	7	1	..	..	..	..	..	..	..	..	..	..
April.....	1	18	2	..	..	..	..	22	2	..	..	..	..
May.....	1	14	1	..	..	..	1	14	1	..	..	..	..
June.....	1	22	2	..	..	..	1	..	..	..	..	..	..
July.....	..	12	1	..	..	..	..	..	..	..	1	14	5
August.....	1	13	..	..	..	..	..	..	..	..	1	12	5
September.....	1	14	..	..	..	..	..	..	..	1	1	11	3

Exclusive Livery Privileges.

The legality of the exclusive livery privileges granted by the railroad companies has not yet been decided by the Court of Appeals. The manager of the livery business has continued to also manage the elevator bazaar and photograph business at Table Rock on the Canadian side, to which passengers, obtained by solicitation on the railroad trains on the American side, are systematically and expeditiously conducted. Visitors so intercepted on the railroad trains, are not aware that the elevator, bazaar and photograph business are managed in combination with the livery privileges. The result of this system is to deceive the traveling public, to destroy fair competition in business and to create and uphold a monopoly of the most vicious character.

Reservation Carriage Service.

The Reservation Carriage Service has been operated very successfully during the year. The traveling public are now generally aware of the existence of such a service, and are glad to give it their patronage. Eight carriages have been in operation during the year. In view of the privileges enjoyed by the carriage service, it is important that it be kept free from combination with livery, hotels, stores, toll places, railways and so-called excursion companies.

Some of the carriages in use are heavy and cumbersome, and can with advantage be replaced by lighter vehicles, which would render the service more expeditious and efficient.

Licensed Carriage Drivers.

Ten complaints have been made by visitors against licensed carriage drivers. Two drivers have been excluded from the Reservation for violation of the ordinances of the commissioners. Public carriage stands have been permitted on the Riverway, and two carriages at one time have been allowed to stand on Bridge street, and two on Falls street; the privilege is subject to revocation upon cause of complaint.

The carriage stand on the Riverway, between Falls street and Niagara street, have been the subject of complaint on the part of property owners on the opposite side of the Riverway. A carriage stand at that point is in many ways objectionable, and it may be well to abolish it, or at least to limit the number of carriages which shall occupy it at one time.

Number of Visitors.

The number of visitors during the year was below the average, and is estimated at 500,000. The excursion travel was slightly below that of last year, there being 4,571 railroad cars bringing an estimated number of 274,260 persons.

The construction of the electric railroad on the Canadian side for a time materially reduced the excursion travel to the State Reservation. The Gorge Electric Railroad, just opened on the American side, may largely restore the former condition of affairs. It is also expected that the electric railroad from Buffalo, which brings its passengers to the entrance of the Reservation, will largely increase the number of visitors.

The Cave of the Winds.

During the year visitors have been conducted through the Cave of the Winds by George W. Wright, lessee. In the cave, additional safeguards for visitors have been provided. About the average number of tourists visited the cave. As the locality is between the American and the Horseshoe Falls, the view is unparalleled; but the winding stairway leading to it is so unsuitable and fatiguing, that very few visitors are able to enjoy the beauty of the scenery below the high bank. A walk can easily be constructed along the edge of the water between the American and the Horseshoe Falls, which, if a suitable elevator was provided, would undoubtedly be a point of great resort and of surpassing interest to visitors.

Steamboat Landing.

The steamboat landing has been leased and kept in repair by the "Maid of the Mist" Steamboat Company during the year. Only one boat has been in operation. The second boat has not been used, because of the moderate volume of travel and the low water prevailing at the dock.

Receipts.

The receipts of the superintendent from all sources during the fiscal year have been \$7,285.95, to wit: Inclined Railway, \$4,940.85; rentals, \$2,090; dividends from the receiver of the Cataract bank, \$255.10.

The stoppage of the Inclined Railway from February twenty-sixth to April twelfth, because of the dangerous accumulation of ice and the work of building the new terminal station, have tended to lessen the receipts from the Inclined Railway during the past year. The new terminal station, when completed, will give better accommodations than were ever before afforded. The electric railroad from Buffalo and Lewiston will increase the volume of travel, and it is probable that the receipts for the coming year will be greater than those of any year since the establishment of the Reservation.

Tabular Statement.

Detailed statements of the receipts and expenditures by the superintendent, the amount of the pay-rolls for each month and the classification of the pay-rolls and accounts are herewith appended.

Respectfully submitted,

THOMAS V. WELCH,

Superintendent.

Excursions for 1894-1895.

Date.	WHERE FROM.	Number of cars.	Estimated number of visitors.
1894.			
Oct. 2	Allentown, Pa., via Lehigh Valley R. R.....	8	480
	Newton's excursion, via W. N. Y. & Pa. Ry...	8	480
7	Rochester, N. Y., via West Shore R. R.....	7	420
	Buffalo, Lockport and vicinity, via N. Y. C. R. R.....	13	780
	Rochester, via Erie Ry.....	7	420
8	Buffalo, N. Y., Orpheus singing society.....	6	360
9	Reading, Pa., Hose company No. 1.....	2	120
19	New York State Superintendents of Instruction..	3	180
21	Buffalo, Lockport and vicinity.....	15	900
28	Boston, Mass., special party.....	2	120
	Buffalo, Rochester and Lockport.....	12	720
			4,980
1895.			
May 3	Lockport, N. Y., Union schools, Arbor Day....	30	1,800
	Boston, Mass., Raymond party.....	9	540
5	Buffalo, N. Y., via Erie Ry.....	3	180
8	Boston, Mass., Raymond party.....	8	480
12	Jamestown, N. Y., via W. N. Y. & Pa. Ry....	4	240
19	Prescott's excursion, via Erie Ry.....	4	240
	Buffalo, N. Y., via N. Y. C. R. R.....	6	360
	Rochester and Batavia, via Erie Ry.....	2	120
20	New York city, excursion retail coal dealers..	3	180
22	Buffalo, N. Y., B. P. O. of Elks.....	4	240
	Reunion Twenty-eighth regiment.....	2	120
24	Excursion U. S. army surgeons.....	4	240
	Queenston, Ont., Canadian encampment.....	4	240
25	Toronto, Ont.....	3	180
	Buffalo, N. Y., Railroad passenger agents.....	2	120
26	Buffalo, N. Y., via N. Y. C., Erie & West Shore R. R.....	10	600
30	Decoration Day excursion, via N. Y. C. & M. C. and Lehigh Valley R. R.....	40	2,400
	Rochester, N. Y., via Erie R. R.....	6	360
	Jamestown, via Erie R. R.....	8	480
		152	9,120
June 2	Buffalo, N. Y., via Erie Ry.....	2	120
	Lehigh Valley, Writer's club, Lehigh Valley R. R.....	5	300
	Rochester, N. Y., via West Shore R. R.....	6	360
	Buffalo, N. Y., via N. Y. C. R. R.....	20	1,200
	Lockport, via N. Y. C. & Erie.....	8	480
	Iroquois Co., Ill.....	7	420
5	Buffalo, N. Y., company soldiers, Fort Niagara..	1	60
7	Jamestown, N. Y., Swedish-Lutheran society..	4	240
8	Rochester and Monroe Co. Union schools.....	10	600
9	Binghamton and Carbondale, via Erie Ry.....	11	660
	Buffalo, Rochester and Lockport.....	25	1,500
11	York Co., Ont., Council.....	2	120
13	Lindsay, Ont., Odd Fellows.....	4	240
14	Boston, Mass.....	4	240
	New York city bowling club.....	1	60

EXCURSIONS — (Continued).

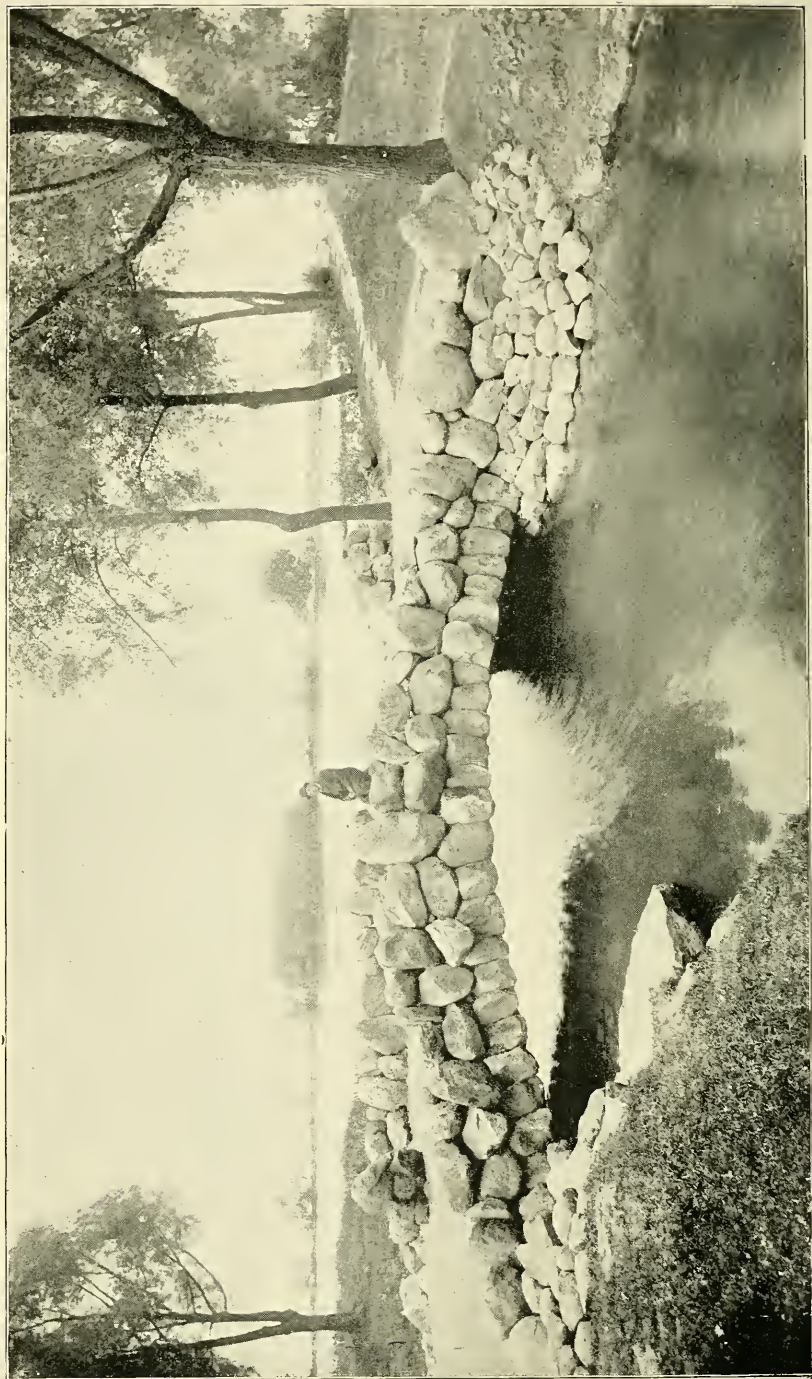
Date.	WHERE FROM.	Number of cars.	Estimated number of visitors.
1895.			
June 14	Toronto, Ont., Bookbinders.....	4	240
16	Buffalo, N. Y., via Erie Ry.....	2	120
	Buffalo, Rochester and Lockport, via N. Y. C. R. R.....	30	1,800
17	Orangeville, Ont., I. O. of Foresters.....	4	240
	Orangeville, Ont., I. O. of Foresters (by boat)...	3	180
19	Buffalo, N. Y., via steamer.....	1	60
	Toronto, Ont., via G. W. Ry.....	6	360
	Money-Penny, Hammond Co., Wholesale grocers.....	5	300
	Toronto, Ont., Board of Trade.....	2	120
20	Acton and Georgetown, Ont., Union society...	8	480
	Toronto, Ont., Agricultural society.....	7	420
22	Toronto, Ont., Typemakers.....	5	300
	Buffalo, N. Y., Zither club.....	1	60
	Buffalo, N. Y., Union schools.....	10	600
	Cleveland, O., Republican national league....	4	240
	Canada, employes G. T. Ry.....	12	720
23	Rochester, N. Y., via Erie Ry.....	5	300
	Buffalo, N. Y., via Steamer Columbia.....	5	300
	Buffalo, N. Y., Italian Bersaglieu society.....	4	240
	Buffalo, Rochester and Lockport, via N. Y. C. R. R.....	40	2,400
24	Toronto, Ont., Sons of England.....	6	360
	Buffalo, N. Y., Public schools.....	2	120
	California, Phillip's excursion.....	8	480
	Buffalo, N. Y., via Steamer Columbia.....	3	180
25	Lockport, N. Y., Y. M. C. association.....	4	240
	Cleveland, O., via boat and rail.....	6	360
	American institute of electrical engineers.....	6	360
	Buffalo, N. Y., via Steamer Columbia.....	5	300
	Toronto, Ont., via Steamer Chippewa.....	7	420
	Elmira, N. Y., via Erie Ry.....	7	420
26	Buffalo, N. Y., via Steamer Pilgrim.....	4	240
	Rochester, N. Y., Royal Arcanum.....	6	360
	Carbondale, Pa., via Erie Ry.....	4	240
	Buffalo, N. Y., via Steamer Pilgrim.....	1	60
27	Clyde and Lyons, N. Y., via West Shore Ry...	9	540
	Western New York Women's Auxiliary of Diocese.....	5	300
	Carbondale, Pa., via Erie Ry.....	6	360
28	Stratford, Ont., Civic holiday.....	10	600
	Hamburg, Ont., Civic holiday.....	4	240
29	Suspension Bridge, Episcopal S. S.....	2	120
30	Buffalo, N. Y., via Erie Ry.....	2	120
	North College, Glee club.....	1	60
	New Castle and Titusville, via B. N. Y. & Pa. Ry.....	9	540
	Buffalo, Rochester and Lockport.....	30	1,800
		415	24,900
July 1	Dominion day, Canada excursion.....	30	1,800
	Woodstock, Ont., via G. T. Ry.....	8	480
	Hamilton, Ont., via G. T. Ry.....	15	900
	Toronto, Ont., via Steamers Chippewa and Chicora.....	12	720

EXCURSIONS — (Continued).

Date.	WHERE FROM.	Number of cars.	Estimated number of visitors.
1895.			
July 3	Buffalo, N. Y., via Steamer Pilgrim.....	6	360
	Grimsly, Ont., via G. T. Ry.....	5	360
	Buffalo, N. Y., via Steamer Pilgrim.....	1	60
	Buffalo, N. Y., Carpenters' art sketch party....	1	60
4	Boston, Mass., Raymond excursion.....	2	120
	Buffalo, Rochester and Lockport.....	200	12,000
	Carbondale, Pa.....	10	600
	Jamestown, N. Y.....	9	540
	Hornellsville, N. Y.....	8	480
6	Buffalo, N. Y., via Steamer Pilgrim.....	10	600
	Boston, Mass., Raymond party.....	14	840
7	Boston, Mass., Christian Endeavor society.....	22	1,320
	Lehigh Valley, via Lehigh Valley Ry.....	18	1,080
	Boston, Mass., Christian Endeavor society.....	20	1,200
	Buffalo, N. Y., via Steamer Pilgrim.....	8	480
8	Buffalo, N. Y., via Erie Ry.....	3	180
	Toronto, Ont., Saint Paul de Vincent society..	8	480
9	Boston, Mass., Christian Endeavor society....	10	600
	Buffalo, N. Y., via Steamer Pilgrim.....	3	180
	Buffalo, N. Y., via Erie Ry.....	2	120
	Boston, Mass., Christian Endeavor society....	45	2,700
	Hornellsville, N. Y., Ladies' Unity lodge, locomotive firemen.....	2	120
10	Buffalo, N. Y., Paper bag manufacturers.....	4	240
	Buffalo, N. Y., via Steamer Pilgrim.....	8	480
	Toronto, Ont., Elm M. E. church.....	4	240
	Buffalo, N. Y., M. E. church S. S.....	6	360
	Rochester, N. Y., via West Shore R. R.....	7	420
	Toronto, Ont., via Steamer Cibola.....	2	120
	Akron, N. Y., via N. Y. C R. R.....	1	60
11	Erie, Pa., First M. E. church society.....	9	540
	Buffalo, N. Y., Seneca Street M. E. church society.....	4	240
13	Toronto, Ont., Colin M. F. Co.....	4	240
	Buffalo, N. Y., via Steamer Pilgrim.....	1	60
14	Jamestown and Ridgeway.....	6	360
	Buffalo, N. Y., via Steamer Pilgrim.....	9	540
	Jamestown, N. Y., Gracius singing society....	10	600
	Erie Ry., along the line.....	15	900
	Western N. Y. & Pa. Ry., along the line.....	10	600
	Harrington party (special).....	1	60
	Buffalo, Rochester and Lockport.....	65	3,900
16	Buffalo, N. Y., via Steamer Pilgrim.....	4	240
	Toronto, Ont., via Steamer Chippewa.....	5	300
17	Buffalo, N. Y., via Steamer Pilgrim.....	19	1,140
	Toronto, Ont., via Steamer Chippewa.....	10	600
	Hamilton, Ont., G. T. Ry.....	6	360
	Toronto, Ont., Commercial travelers.....	5	300
	Dunkirk, N. Y., via Allegheny Ry.....	6	360
18	Buffalo, N. Y., opening Gorge Ry.....	4	240
	Pennsylvania State editorial association.....	6	360
	Detroit, Mich., Press club.....	15	900
19	Buffalo, N. Y., National association railroad baggage agents.....	5	300
	C. H. & D. Ry., along the line (five secs.)....	45	2,700
	Buffalo, N. Y., via Steamer Pilgrim.....	6	360
	Toronto, Ont., King Street Trinity church.....	8	480
20	Chautauqua, Newton's excursion.....	10	600

EXCURSIONS — (Continued).

Date.	WHERE FROM.	Number of cars.	Estimated number of visitors.
1895.			
July 20	Erie, Pa., C. M. B. A. society.....	8	480
	Buffalo, N. Y., Half Holiday excursion.....	10	600
	Buffalo, N. Y., Half Holiday excursion, via Steamer Pilgrim.....	14	840
	Toronto, Ont., via Steamer Chippewa.....	14	840
21	Buffalo, Rochester and Lockport.....	65	3,900
	Buffalo, via Erie Ry.....	6	360
	Buffalo, via Steamer Pilgrim.....	11	660
22	Toronto, Ont., A. O. U. W. society.....	4	240
23	Buffalo, N. Y., via B. R. & Pa. Ry.....	7	420
	Buffalo, N. Y., Baptist church society.....	8	480
24	Chautauqua.....	6	360
	Buffalo, N. Y., Spring Street M. E. church....	4	240
25	Baltimore, Md., via Lehigh Valley Ry.....	8	480
27	Chautauqua.....	4	240
28	Buffalo, N. Y., via Steamer Pilgrim.....	6	360
	Rochester.....	4	240
	Buffalo, Rochester and Lockport.....	20	1,200
	Buffalo, via B. R. & Pitts. Ry.....	10	600
	Lehigh Valley, special party.....	10	600
	Cleveland, O., via steamer.....	10	600
29	Buffalo, N. Y., via Steamer Pilgrim.....	10	600
30	Buffalo, N. Y., St. Vincent's Orphan Asylum ..	3	180
	Buffalo, N. Y., via Steamer Pilgrim.....	9	540
	Toronto, Ont., via Steamer Chippewa.....	2	120
31	Batavia, N. Y., via old road.....	6	360
	New Bethlehem, Pa.....	6	360
	Lockport, N. Y., German Lutheran church....	6	360
	Erie Ry., from C., H., V. & T. Ry.....	8	480
	Elmira, N. Y., and Carbondale, Pa.....	9	540
	Buffalo, N. Y., St. Paul's Epis. church society ..	8	480
		1,088	65,280
Aug. 1	Toronto, Ont., All Saints' church, via Steamer Chippewa.....	9	540
	Tonawanda, N. Y., German church society....	10	600
2	C., C. & I. Ry., along the line (five secs.)..	35	2,100
	Buffalo, N. Y., via Steamer Pilgrim.....	7	420
3	Erie, Pa., employes iron works.....	8	480
	R. W. & O. Ry., harvest excursion.....	22	1,320
	Sanford, Ont., employes wholesale tailoring firms.....	5	300
	Buffalo, N. Y., via Steamer Pilgrim.....	4	240
4	Buffalo, N. Y., via Steamer Pilgrim.....	8	480
5	Hamilton, Ont., via Steamer Garden City.....	10	600
4	Buffalo, Rochester, Syracuse and Lockport, via West Shore Ry.....	45	2,700
6	Olean, N. Y., via W. N. Y. & Penn. Ry.....	8	480
	Erie, Pa., Erie Despatch newspaper.....	6	360
	Milton, Ont., Milton Cornet band.....	4	240
	Buffalo, N. Y., via Steamer Pilgrim.....	3	180
7	Erie railway, along main line.....	10	600
	Carbondale, Pa., via W. N. Y. & Penn. Ry....	10	600
	Brooklyn, N. Y., Hendrickson's excursion.....	8	480
	C., C. C. & St. Louis railway (seven secs.)....	70	4,200
	Buffalo, N. Y., via Steamer Pilgrim.....	2	120
	Cleveland, O., via Erie Ry.....	10	600



BOWLDER BRIDGE. WILLOW ISLAND (WEST SIDE).

EXCURSIONS—(Continued).

Date.	WHERE FROM.	Number of cars	Estimated number of visitors.
1895.			
Aug. 8	Akron, O	18	1,080
	Youngstown, O	10	600
	Toronto, Ont., via Steamer Garden City	13	780
	Oswego, N. Y., via R. W. & O. Ry	10	600
	Pittsburg, Chenango & L. E. Ry	10	600
	Western N. Y. & Penn. Ry	10	600
	Youngstown, Pa	10	600
	Brooklyn, N. Y., Hendrickson excursion	2	120
	Nickel Plate Ry	20	1,200
9	Nickel Plate railway (ten secs.)	100	6,000
	Washington, D. C., special party	10	600
	Philadelphia, Pa., special party	10	600
	Galena & Greenville, Lehigh Valley Ry	22	1,320
10	Elmira, Ont., via G. T. Ry	6	360
	Toronto, Ont., via Steamer Empress of India	6	360
	R. W. & O. Ry., harvest excursion	15	900
	Toronto, Ont., Uniformed Catholic Knights	6	360
11	Pittsburg, Pa	13	780
	Buffalo, Rochester & Lockport, via rail and water	45	2,700
	Buffalo, via Erie Ry	7	420
	Buffalo, via Steamer Pilgrim	4	240
12	Simcoe, Ont., via Steamer Garden City	6	360
13	W. N. Y. & Penn. Ry	7	420
	Chautauqua, N. Y.	5	300
	Lockport, N. Y., English Lutheran church	8	480
	Buffalo, N. Y., via Steamer Pilgrim	10	600
14	Buffalo, Rochester, Lockport and Tonawanda, N. Y., and Toronto, Ont., Ancient Order Hibernians	25	1,500
	Titusville, Pa., along L. S. & M. S. Ry	9	540
	Jamestown, N. Y.	4	240
	Toronto, Ont., via G. T. Ry	9	540
	Buffalo, N. Y., via Steamer Pilgrim	9	540
15	Chicago, Ills., G. T. railway	35	2,100
	Manchester, N. Y., via Lehigh Valley Ry	12	720
	St. John's, Ont.	1	60
	Buffalo, N. Y., via Steamer Pilgrim	20	1,200
	Erie railway, via along the line	20	1,200
16	Toronto, Ont., Barber, Ellis Co. employes	10	600
	Port Jervis, via G. T. Ry	8	480
	Buffalo, N. Y., via Steamer Pilgrim	11	660
	Cinn., Dayton & Hamilton Ry	65	3,900
	Berlin, Ont., 29th Batt. band	7	420
17	Hamilton, Ont., foundry empl'yes (three secs.)	35	2,100
	Bay City, Wis., via G. T. Ry	10	600
	Geneva, N. Y., via Lehigh Valley Ry	16	960
	Buffalo, N. Y., via Steamer Pilgrim	11	660
18	Buffalo, Rochester, Lockport and Syracuse	45	2,700
	Akron & Youngstown, O., via Erie Ry	12	720
	West Shore railway, along line of	9	540
19	R. A. & O. railway, along line of	12	720
	Chautauqua, N. Y.	9	540
	Buffalo, N. Y., half-holiday excursion	12	720
18	Janesville, O.	16	960
	Akron and Kent, O.	17	1,020
	Buffalo, N. Y., telegraph operators	2	120
	Buffalo, N. Y., via Steamer Pilgrim	15	900

EXCURSIONS — (Continued).

Date.	WHERE FROM.	Number of cars.	Estimated number of visitors.
1895.			
Aug. 19	London, Ont., civic holiday.....	5	300
	St. Catherines, Ont., via G. T. Ry.....	4	240
	Toronto, Ont., via Steamer Chippewa.....	14	840
	Toronto, Ont., via Steamer Empress of India..	10	600
	Seaforth, Ont., via G. T. Ry.....	6	360
	St. Thomas, Ont., via M. C. Ry.....	8	480
	Buffalo, N. Y., via Steamer Pilgrim.....	4	240
	London, Ont., via G. T. Ry.....	6	360
20	Meriden, O., & Detroit, Mich., via G. T. Ry...	12	720
	South Bend, Ind., via Erie Ry.....	9	540
	Buffalo, N. Y., via Steamer Pilgrim.....	4	240
	Nickel Plate railway (two sections).....	22	1,320
	New York Central railroad, over old road.....	30	1,800
21	Boston, Mass., Knight Templars' conv.....	32	1,920
	N. Y., P. & O. Ry.....	9	540
	Streator, Ills. (two sections).....	19	1,140
	Hinsdale, O.....	10	600
22	Reunion 8th Heavy Artillery.....	6	360
	Boston, Mass., Knight Templars' conv.....	33	1,980
	Ottawa, Ont., Knight Templars' conv.....	10	600
	Springfield, O., Knight Templars' conv.....	10	600
	Portsmouth, O., Knight Templars' conv.....	7	420
23	Toronto, Ont., Queen St. M. E. church.....	10	600
	Buffalo, N. Y., via Steamer Pilgrim.....	5	300
	Columbus, O.....	10	600
	Chautauqua, N. Y.....	10	600
	Chautauqua, N. Y., via W. N. Y. & Pa. Ry....	9	540
	Boston, Mass., Knight Templars' conv.....	20	1,200
24	Stratford, Ont., employes G. T. Ry.....	45	2,700
	Buffalo, N. Y., via Steamer Pilgrim.....	5	300
	Jackson, W. Va., Knight Templars' conv.....	6	360
25	Port Jervis, via Erie Ry.....	12	720
	Carbondale, Pa., via Erie Ry.....	14	840
	Corning and Wellsville, via Erie Ry.....	12	720
	Dayton, O., Knight Templars.....	5	300
	Kansas City, Mo., Knight Templars.....	9	540
	Batavia, N. Y., A. O. of Hibernians.....	12	720
	Buffalo, N. Y., via Steamer Pilgrim.....	5	300
	Stratford, Ont., via G. T. Ry.....	5	300
	Boston, Mass. (en route to), Knight Templars,	28	1,680
	Boston, Mass. (en route to), Knight Templars,	41	2,460
	Terre Haute, Ind., via Wabash Ry.....	19	1,140
	Erie railway, via main line.....	20	1,200
	Pittsburg, Pa., via P. R. & P. Ry.....	14	840
	N. Y. C., Mich C. & West Shore Ry.....	70	4,200
26	Erie, Pa., Christian Endeavor.....	10	600
27	B., N. Y. & Penn. R. R.....	10	600
	B., R. & Pitts. R. R.....	10	600
	B., L. & Western R. R.....	10	600
28	Buffalo, N. Y., via Steamer Pilgrim.....	9	540
	Toronto, Ont., via Steamer Chippewa.....	5	300
	St. Catharines, Ont., via G. T. Ry.....	1	60
	Buffalo, N. Y., freight agents' conv.....	4	240
	Cleveland, O., special party.....	6	360
29	Brantford, Ont., via M. C. Ry.....	5	300
	Carsonburg, Ont., via M. C. Ry.....	4	240
	Buffalo, N. Y., via Steamer Pilgrim.....	1	60
	Youngstown, N. Y., Pres. Ch. S. S.....	3	180

EXCURSIONS — (Continued).

Date.	WHERE FROM.	Number of cars.	Estimated number of visitors.
1895.			
Aug. 30	Buffalo, N. Y., Knight Templars	8	480
	Buffalo, N. Y., via Steamer Pilgrim	3	180
	Buffalo, N. Y., Detroit Commandery	6	360
	Brooklyn, N. Y., Eagle newspaper	2	120
31	Toronto and Waterloo, Ont.	24	1,440
	Middleport, N. Y.	1	60
		1,921	115,260
Sept. 1	Wilkesbarre and Scranton, Pa., via Lehigh Valley Ry.	10	600
	Buffalo, Rochester, Lockport, Syracuse and Dunkirk, N. Y., and Cleveland, O.	60	3,600
	Detroit, Mich., via G. T. Ry	11	660
	Rochester, N. Y., via Erie Ry	12	720
	Buffalo, N. Y., via Steamer Pilgrim	7	420
2	Labor Day excursion, via Lehigh Valley Ry ...	11	660
	Labor Day excursion, N. Y. C. Ry	20	1,200
	Rochester & Syracuse, via West Shore Ry.	9	540
	Oswego, via R. W. & O. Ry	10	600
	Paterson, N. J., via Erie Ry	12	720
	Hamilton, Ont., via G. T. Ry	15	900
	Buffalo, N. Y., via Steamer Pilgrim	11	660
3	Cleveland, O., via L. S. and M. S. Ry	9	540
	Jamestown, N. Y., via Erie Ry	7	420
	Buffalo, N. Y., via Steamer Pilgrim	5	300
4	Brooklyn, N. Y., German Scheutzen Corps.	10	600
5	Galion, O., via Erie Ry	12	720
	Sharpsville, O., via Erie Ry	11	660
	Warren, O., via Erie Ry	10	600
	Buffalo, N. Y., via Steamer Pilgrim	5	300
	Williard, Ont.	1	60
	Youngstown, N. Y.	1	60
6	Philadelphia, Pa., via Lehigh Valley Ry	10	600
	Kent, O., via L. S. & M. S. Ry	10	600
	Canton and Akron, O., via Erie Ry	12	720
	Buffalo, N. Y., via Steamer Pilgrim	2	120
7	Medina, N. Y., Union Ch. & S. S.	7	420
	Toronto, via G. T. Ry	7	420
	Buffalo, N. Y., via Steamer Pilgrim	1	60
8	Erie Ry., along main line	12	720
	Louisville, Ky., (en route) G. A. R.	18	1,080
	Boston, Mass., (en route) Am. Ry. ticket agents	21	1,260
	Syracuse and Rochester, via West Shore	12	720
	Buffalo, Lockport, Tonawanda and Dunkirk, N. Y. and Cleveland, O., via N. Y. C. & L. S. & M. S. Ry	14	840
	Buffalo, N. Y., via Erie Ry	5	300
	Buffalo, N. Y., via Steamer Pilgrim	6	360
9	Cortland, N. Y., via Erie Ry., Knight Templars.	7	420
	Meadville, Pa., via Erie Ry, Knight Templars ..	5	300
	Hornellsville, N. Y., via Erie Railway, Knight Templars	3	180
	Chautauqua, Newton's excursion	10	600
10	New York State conclave Knight Templars, via Lackawanna Ry	12	720
	Knight Templars, via Lehigh Valley Ry	10	600
	Knight Templars, via N. Y. C. Ry.	44	2,640

EXCURSIONS — (Concluded).

Date.	WHERE FROM.	Number of cars	Estimated number of visitors.
1895. Sept. 10	Knight Templars, via West Shore Ry	20	1,200
	Knight Templars, via R. W. & O. Ry	8	480
	Knight Templars, via Western N. Y. & Pa. Ry.	12	720
	Port Jervis and Carbondale, via Erie Ry	11	660
	Hornellsville, N. Y., via Erie Ry	10	600
	Batavia, N. Y., via Erie Ry	3	180
	Almond, N. Y., via Erie Ry	7	420
	Tioga, N. Y., via Erie Ry	2	120
	Jamestown, N. Y., via Erie Ry	11	660
12	Buffalo, N. Y., retail butchers' convention	7	420
	Seneca Falls, N. Y., I. O. O. F	9	540
	Toronto, Ont., via Steamer Chippewa	8	480
	Buffalo, N. Y., via Steamer Pilgrim	2	120
13	Buffalo, N. Y., via Steamer Pilgrim	2	120
	Toronto, Ont., via Steamers Chippewa and Chicora	21	1,260
14	Toronto, Ont., via Steamer Chicora	15	900
	Toronto, Ont., via Steamer Chippewa	6	360
	Buffalo, N. Y., via Steamer Pilgrim	2	120
15	Buffalo, N. Y., via Steamer Pilgrim	2	120
	Buffalo, N. Y., via Erie Ry	6	360
	Jackson, Mich., via M. C. Ry	18	1,080
	Chicago, Ill., and Niles, Mich	10	600
	Rochester and Syracuse, N. Y., via West Shore Ry	12	720
	Buffalo, Lockport and Dunkirk, N. Y., via N. Y. C. Ry	22	1,320
18	Masonic Commandery, Ancient and Accepted Masons	6	360
21	Buffalo, N. Y., via Steamer Pilgrim	3	180
	Findlay, O., via Erie Ry	9	540
22	Arnot, Pa., via Erie Ry	7	420
	Elmira, N. Y., via Erie Ry	5	300
	Buffalo, N. Y., via Erie Ry	2	120
	Buffalo, N. Y., via Steamer Pilgrim	2	120
	Buffalo, N. Y., opening electric railway	20	1,200
	Buffalo, N. Y., Press Association	25	1,500
	Nickel Plate Ry, along the line	15	900
	Cleveland, O., via steamer	14	840
	Buffalo, N. Y., via N. Y. C. Ry	22	1,320
	Buffalo, N. Y., via B. N. F. Electric Ry	50	3,000
26	Lehigh Valley R. R	6	360
	Boston, Mass., Raymond excursion	1	60
27	Lehigh Valley R. R	6	360
	Erie R. R., Prescott excursion	5	300
	Pennsylvania University, foot ball team	1	60
		912	54,720

RECAPITULATION.

Year.	MONTH.	Number of cars.	Estimated number of visitors.
1894	October.....	83	4,980
1895	May.....	152	9,120
1895	June.....	415	24,900
1895	July.....	1,088	65,280
1895	August.....	1,921	115,260
1895	September.....	912	54,720
		4,571	274,260

AN ACT to confirm the right of way of the Niagara Falls and
Suspension Bridge Railway Company.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows :*

Section 1. The right of way of the Niagara Falls and Suspension Bridge Railway Company, as required by said company by order of the supreme court dated January twenty-sixth, eighteen hundred and eighty-three, in Canal street, in the former village of Niagara Falls (now the city of Niagara Falls), is hereby ratified and confirmed.

§ 2. The rights of said railway company were not cut off or extinguished by the proceedings of the commissioners of the State reservation at Niagara Falls, under and by virtue of chapter three hundred and thirty-six of the laws of eighteen hundred and eighty-three, and any act or acts amendatory thereof, as no compensation was awarded to said company in said proceedings.

§ 3. All acts or parts of acts inconsistent herewith, and especially section one hundred and nine of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety-two, are hereby repealed in so far only as the same apply to Canal street in the city of Niagara Falls.

§ 4. This act shall take effect immediately.

REPORT OF THE TREASURER

FOR THE

Fiscal Year Begun October 1, 1894, and Ended
September 30, 1895.

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA *in account*
with HENRY E. GREGORY, *Treasurer.*

1894.

Oct.	1. Balance on hand this date.....	\$3,990 79
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RECEIPTS.

29. Quarterly advance from the State Comptroller on account of \$25,000, etc.....	\$6,250 00
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1895.

Jan.	18. Quarterly advance from the State Comptroller on account of \$25,000, etc.....	6,250 00
Apr.	18. Quarterly advance from the State Comptroller on account of \$25,000, etc.....	6,250 00
Aug.	4. Quarterly advance from the State Comptroller on account of \$25,000, etc.....	6,250 00
		<u>25,000 00</u>

Special appropriation as per chapter 726, Laws of 1893.

1894.

Nov.	16. Payment by State Comptroller on account....	\$473 00
	22. Payment by State Comptroller on account....	694 33

1895.

March	6. Payment by State Comptroller on account	9 19
		<u>1,177 16</u>

Special appropriation as per chapter 358, Laws of 1894.

1894.

Oct.	10. Payment by State Comptroller on account....	\$1,537 64
	16. Payment by State Comptroller on account....	1,349 98
	22. Payment by State Comptroller on account....	125 00
Dec.	12. Payment by State Comptroller on account....	572 54

1895.

March	6. Payment by State Comptroller on account....	\$28 44	
			\$3,613 60

Special appropriation as per chapter 932, Laws of 1895.

Aug.	16. Payment by State Comptroller on account	\$876 63	
Sept.	12. Payment by State Comptroller on account....	1,365 15	
	26. Payment by State Comptroller on account....	300 00	
			2,541 78

1894.

Nov.	1. Draft on Bank of Niagara for October receipts,	\$214 20	
Dec.	1. Draft on Bank of Niagara for November receipts	55 65	
	31. Draft on Bank of Niagara for December receipts	40 35	

1895.

Feb.	1. Draft on Bank of Niagara for January receipts	25 65	
March	1. Draft on Bank of Niagara for February receipts	9 05	
	(No receipts in March).		
May	1. Draft on Bank of Niagara for April receipts...	32 80	
June	1. Draft on Bank of Niagara for May receipts....	203 70	
	29. Draft on Bank of Niagara for June receipts...	467 15	
Aug.	1. Draft on Bank of Niagara for July receipts....	1,566 30	
Sept.	3. Draft on Bank of Niagara for August receipts.	2,539 75	
	30. Draft on Bank of Niagara for September receipts	1,876 25	
			7,030 85

1894.

Oct.	18. Dividend on deposits in Cataract Bank	\$56 69	
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1895.

March	28. Dividend on deposits in Cataract Bank.....	28 34	
June	29. Dividend on deposits in Cataract Bank.....	113 38	
Sept.	17. Dividend on deposits in Cataract Bank.....	56 69	
			255 10

1894.

Dec.	31. Interest on balances in Manufacturers and Traders' Bank.....	\$42 28	
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1895.

March	30. Interest on balances in Manufacturers and Traders' Bank	44 38	
June	29. Interest on balances in Manufacturers and Traders' Bank	52 01	
Sept.	30. Interest on balances in Manufacturers and Traders' Bank.....	23 39	
			162 06
			\$43,771 34

EXPENDITURES.

1894.	No. of abstract.	No. of voucher.			
Nov.	1.	LXXXVII	1,138.	Pay-roll at Niagara for Octo- ber	\$1,477 41
			1,139.	Thomas V. Welch, supt., office expenses.....	20 94
	12.	LXXXVII	1,140.	Wm. Hamilton, comr., trav- eling expenses.....	53 70
	15.	LXXXVII	1,141.	Geo. E. Wright, repairs.....	116 74
		LXXXVII	1,142.	John Irwin, repairs.....	8 25
		LXXXVII	1,143.	P. C. Flynn & Son, painting.	64 05
		LXXXVII	1,144.	Wm. Shepard & Son, mason work.....	396 98
		LXXXVII	1,145.	Henry E. Gregory, treas. and sec., office and other ex- penses.....	38 85
					\$2,176 92
Dec.	1.	LXXXVIII	1,146.	Pay-roll at Niagara for No- vember.....	\$2,222 05
		LXXXVIII	1,147.	Thomas V. Welch, supt., of- fice expenses, etc.....	47 98
	8.	LXXXVIII	1,148.	Geo. E. Wright, repairs.....	52 56
		LXXXVIII	1,149.	Estate of John Johnson, re- pairs	60 66
		LXXXVIII	1,150.	James O'Brien, stone.....	54 00
		LXXXVIII	1,151.	Coleman Nee, stone.....	167 63
		LXXXVIII	1,152.	Timothy Horan, stone.....	159 75
		LXXXVIII	1,153.	P. J. Davy, plumbing work, etc.	139 77
	12.	LXXXVIII	1,154.	Niagara Sand Co.....	167 64
	31.	LXXXVIII	1,155.	Henry E. Gregory, treas. and sec., salary October, No- vember and December...	275 00
		LXXXVIII	1,156.	Pay-roll at Niagara for De- cember	1,145 29
		LXXXVIII	1,157.	Thomas V. Welch, supt., of- fice expenses, etc.....	16 10
					4,508 43
1895.					
Feb.	1.	LXXXIX	1,158.	Pay-roll at Niagara for Jan- uary	\$1,198 05
		LXXXIX	1,159.	Thomas V. Welch, supt., of- fice expenses	13 28
	21.	LXXXIX	1,160.	Henry E. Gregory, treas. and sec., office expenses.....	24 72
		LXXXIX	1,161.	The Courier Lithographing Co., map and guide.....	569 43
		LXXXIX	1,162.	Maloney & McCoy, ice.....	64 54

1895.	No. of abstract.	No. of voucher.		
Feb.	21.	LXXXIX	1,163. Hardwicke & Co., hardware, etc.....	\$17 19
		LXXXIX	1,164. Hardwicke & Co., hardware, etc.....	21 78
		LXXXIX	1,165. F. W. Oliver Co., iron posts.	14 40
		LXXXIX	1,166. F. W. Oliver Co., hardware, etc.....	21 31
		LXXXIX	1,167. D. Phillips, repairs.....	20 60
		LXXXIX	1,168. McDonald & Welch, coal....	90 20
				\$2,055 50
		XC	1,169. Jas. McCarthy, teamster	\$52 50
March	1.	XC	1,170. Wm. Hamilton, comr., travel- ing expenses	67 87
		XC	1,171. Pay-roll at Niagara for Feb- ruary	1,199 42
		XC	1,172. Thomas V. Welch, supt., office expenses, etc	47 70
	30.	XC	1,173. Henry E. Gregory, treas. and sec., salary for January, February and December ..	275 00
		XC	1,174. Pay-roll at Niagara for March.....	1,179 66
		XC	1,175. Thomas V. Welch, supt., office expenses, etc.....	42 37
				2,864 52
May	1.	XCI	1,176. Pay-roll at Niagara for April.	\$1,438 42
		XCI	1,177. Thomas V. Welch, supt., of- fice expenses, etc.....	49 77
June	1.	XCI	1,178. Pay-roll at Niagara for May..	1,498 41
		XCI	1,179. Thomas V. Welch, supt., of- fice expenses, etc.....	49 88
	6.	XCI	1,180. Supplemental pay roll.....	1,012 37
	8.	XCI	1,181. G. Chormann, repairing cush- ions	6 50
		XCI	1,182. Hardwicke & Co., tools, etc..	8 56
		XCI	1,183. Niagara Falls Printing House, stationery	3 50
		XCI	1,184. P. C. Flynn & Son, painting and varnishing.....	71 65
		XCI	1,185. G. H. Burdick, tools.....	14 90
		XCI	1,186. Globe Ticket Co., Inclined railway tickets.....	9 00
		XCI	1,187. F. Batchellor, grass seed....	18 00
		XCI	1,188. F. W. Oliver Co., sundries...	7 26
		XCI	1,189. Ellwanger & Barry, trees and shrubs.....	146 95

COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA. 43

1895.	No of abstract.	No. of voucher.		
June	8. XCI	1,190. Niagara Sand Co., gravel....	\$29 77	
	XCI	1,191. P. C. Flynn & Son, painting bridges.....	385 46	
	13. XCI	1,192. T. T. Southwick, grease.....	5 00	
	XCI	1,193. Denther & Peck, painting materials.....	130 33	
	24. XCI	1,194. Pay-roll (supplemental).....	437 50	
	29. XCI	1,195. Pay-roll at Niagara for June.	1,863 17	
	XCI	1,196. Thomas V. Welch, supt., of- fice expenses.....	24 22	
	XCI	1,197. Henry E. Gregory, treas. and sec., salary for April, May and June.....	275 00	
				\$7,485 62
July	17. XCH	1,198. McDonald & Welch, coal....	\$35 00	
	XCH	1,199. P. W. Oliver Co., tools	12 49	
	XCH	1,200. Jos. Mackenna & Son, office.	9 53	
	XCH	1,201. The Howard Iron Works, park seats.....	200 00	
	XCH	1,202. Wm. Shepherd & Son, mason work	130 72	
	XCH	1,203. P. J. Davy, plumbing	161 44	
	XCH	1,204. Hardwicke & Co., tools	75 54	
	XCH	1,205. The Barber Asphalt Paving Co., gravel	15 75	
	XCH	1,206. The Barber Asphalt Paving Co., gravel	24 00	
	XCH	1,207. Niagara Sand Co	14 93	
	XCH	1,208. Jas. E. Rock, office.....	27 48	
	XCH	1,209. Estate of John Johnson, blacksmithing	23 45	
	XCH	1,210. Globe Ticket Co., tickets....	18 00	
	XCH	1,211. Niagara Sand Co., gravel....	18 36	
	XCH	1,212. Geo. E. Wright, carpenter... ..	226 73	
	XCH	1,213 F. W. Oliver Co., hardware ..	2 64	
	XCH	1,214 P. C. Flynn & Son, painting .	203 39	
	18. XCH	1,215 Wm. Shepard & Son, mason work.....	140 96	
	17. XCH	1,216. Hardwicke & Co., hardware.	105 87	
	XCH	1,217. Howard H. Baker & Co., national flag.....	10 00	
	XCH	1,218. Wm. Thurecht, gravel	19 50	
	XCH	1,219. Deuther & Peck, painting... ..	18 00	
	XCH	1,220. Niagara Falls Metal Sign Co., signs	13 40	
				1,507 18

1895.	No. of abstract.	No. of voucher.			
July	17. XCIII	1,221.	Sam'l Parsons, Jr., traveling expenses	\$25 00	
	18. XCIV	1,222.	Andrew H. Green, pres., trav- eling expenses	\$35 85	\$25 00
Aug.	1. XCIV	1,223.	Pay-roll at Niagara for July..	1,475 16	
	XCIV	1,124.	Thomas V. Welch, supt., of- fice expenses	41 70	
Sept.	2. XCIV	1,225.	Pay-roll at Niagara for August	1,478 05	
	XCIV	1,226.	Thomas V. Welch, supt., of- fice expenses	40 30	
	17. XCIV	1,227.	J. W. Spencer, illustrations for report	60 00	
	XCIV	1,228.	Globe Ticket Co., tickets for Inclined railway	42 00	
	XCIV	1,229.	Hardwicke & Co., repairs, etc.	70 08	
	30. XCIV	1,230.	Pay-roll at Niagara for Sep- tember	1,470 16	
	XCIV	1,231	Thomas V. Welch, supt., of- fice expenses	48 76	
	XCIV	1,232.	Henry E. Gregory, treas. and sec., salary for July, Au- gust and September	275 00	5,037 06

Payments out of \$20,000 appropriated by chapter 726, Laws of 1893.

1894.	No. of abstract. Series D.	No. of voucher.			
Nov.	17. X \	69.	F. W. Oliver Co., work on bridge	\$473 64	
	22. X	70.	D. Phillips, work on bridge..	694 33	1,167 97
1895.	XI	71.	Jas. McCarthy, grading....	\$9 19	9 19

Payments out of \$20,000 appropriated by chapter 358, Laws of 1894.

1894.	Series E.				
Oct.	11. II	24.	Pay-roll at Niagara	\$415 25	
	II	25.	Dobbie, Stuart & Co., grates,	40 15	
	II	26.	W. Shepard & Son, mason work	452 03	
	II	27.	T. E. McGarigle, black- smithing	17 55	
	II	28.	Fred Batchelor, seed	18 00	
	II	29.	David Phillips, repairing bridge	576 66	

COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA. 45

1894. Series E.

Oct.	11.	II	30. Fred Batchelor, seed.....	\$18 00	
Nov.	17.	II	31. F. W. Oliver Co	199 40	
		II	32. D. Phillips, repairs to bridge,	605 08	
		II	33. Pay-roll at Niagara	545 50	
Nov.	22.	II	34. Vaux & Emery, plans and specifications.....	125 00	
					\$3,012 62
Dec.	13.	III	35. F. W. Oliver Co., bridge re- pairs.....	\$16 73	
		III	36. Wm. Shepard & Son, bridge repairs	240 45	
		III	37. David Phillips, bridge re- pairs	315 36	
					572 54
1895.					
March	6.	IV	38. Jas. McCarthy, grading	\$28 44	
					28 44

Payments out of \$20,000 appropriated by chapter 932, Laws of 1895.

1895. Series F.

Aug.	16.	I	1. Pay-roll at Niagara.....	\$697 75	
		I	2. Roebester Printing Co., printing.....	20 00	
		I	3. Geo. E. Matthews & Co., printing	19 32	
		I	4. The Courier Company, printing	19 72	
		I	5. The Daily Cataract, printing,	13 00	
		I	6. The Niagara Falls Gazette, printing	6 50	
		I	7. Union and Advertiser Co., printing.....	18 75	
		I	8. Niagara Sand Co., gravel...	62 51	
		I	9. Niagara Sand Co., gravel...	19 08	
Sept.	12.	I	10. Pay-roll at Niagara.....	834 00	
		I	11. Wm. Shepard & Son, build- ing bridge, etc.....	507 15	
		I	12. Dennis McDonald, inspector,	24 00	
	26.	I	13. Vaux & Emery, plans, etc..	300 00	
					2,541 78

Remittances to the State Treasurer.

1894.

Nov.	1.	Draft for October receipts.....	\$214 20
Dec.	1.	Draft for November receipts.....	55 65
	31.	Draft for December receipts.....	40 35

1895.

Feb.	1. Draft for January receipts.....	\$25 65	
March	1. Draft for February receipts.....	9 05	
May	1. Draft for April receipts.....	32 80	
June	1. Draft for May receipts.....	203 70	
	29. Draft for June receipts.....	467 15	
Aug.	1. Draft for July receipts.....	1,566 30	
Sept.	3. Draft for August receipts.....	2,539 75	
	30. Draft for September receipts.....	1,876 25	
			\$7,030 85

1894:

Nov.	1. Dividend on deposits in Cataract bank.....	\$56 69	
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1895.

March	30. Dividend on deposits in Cataract bank.....	28 34	
June	29. Dividend on deposits in Cataract bank.....	113 38	
Sept.	30. Dividend on deposits in Cataract bank.....	59 69	
			255 10

1894.

Dec.	31. Interest on balances in Manufacturers and Traders' Bank.....	\$42 28	
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1895.

March	30. Interest on balances in Manufacturers and Traders' Bank.....	44 38	
June	29. Interest on balances in Manufacturers and Traders' Bank.....	52 01	
Sept.	30. Interest on balances in Manufacturers and Traders' Bank.....	23 39	
			162 06

\$40,440 78

Sept.	30. Cash balance in treasurer's hands.....	3,330 56	
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\$43,771 34

HENRY E. GREGORY, *Treasurer.*

We, the undersigned, hereby certify that we have examined the foregoing report of the Treasurer, and the vouchers and other papers, and we find the report and accompanying documents correct, and that the treasurer has properly accounted for all moneys received and disbursed by him during the year ended September 30, 1895.

ROBERT L. FRYER,

WM. HAMILTON,

Commissioners.

CLASSIFICATION OF ACCOUNTS.

Fences	\$8 52
Railings	78 50
Stairways	33 89
Trees	146 95
Stationery.....	3 50
Water pipes.....	232 96
Ice	64 54
Treasurer and secretary.....	1,100 00
Police.....	5,400 00
Salaries (superintendents and clerk)	2,899 98
Goat island	1,311 75
Seed	18 00
Settees	200 00
Coal.....	125 20
Signs	13 40
Prospect park.....	1,762 00
Roads	3,252 33
Walks.....	2,431 18
Bridges	974 37
Buildings	730 09
Commissioners' expenses.....	157 42
Inclined railway.....	2,459 67
Treasurer and secretary (office expenses).....	38 57
Niagara office.....	463 81
Tools	261 37
Guard railing.....	50 30
Map and guide	569 43
Teaming.....	52 50
Grading.....	468 00
Planting	232 00
National flag.....	10 00
Expense.....	110 00
	\$25,660 23

SPECIAL IMPROVEMENTS UNDER CHAPTER 726 OF THE LAWS OF 1893.

Bridge from Bath Island to Goat Island	\$1,167 97
Grading	9 19
	<u>\$1,177 16</u>

SPECIAL IMPROVEMENTS UNDER CHAPTER 358 OF THE LAWS OF 1894.

Roads	\$733 43
Walks	431 50
Grading	263 19
Bridges	252 65
Seed	36 00
Shelter on Goat Island	125 00
Bridges to Goat Island	1,771 83
	<u>\$3,613 60</u>

SPECIAL IMPROVEMENTS UNDER CHAPTER 932 OF THE LAWS OF 1895.

Boulder bridge	\$597 36
Grading	478 76
Roads	572 46
Walks	374 51
Printing	97 29
Retaining wall (Goat Island)	97 40
Inclined railway station	300 00
Shelter building	24 00
	<u>\$2,541 78</u>



RUSTIC BRIDGE, WILLOW ISLAND.

Letters.

NEW YORK, *October 17, 1894.*

HON. WALTER Q. GRESHAM,

Secretary of State, Washington :

DEAR SIR.—In the New York State Convention, to revise the Constitution, whose labors have recently been completed, the protection and preservation of the Falls of Niagara from injury and diminution by private corporations was the subject of extended and somewhat heated discussions.

Certain corporations claim to have obtained the right to divert large quantities of the water of the Niagara above the Falls for manufacturing purposes, both in this State and Canada.

As President of the Niagara commissioners, I have opposed the granting of these rights or licenses by the Legislature, on the ground that large diversions of the upper river will certainly be followed by a diminished flow at the Falls, and that, eventually, the grandeur of the great cataract will be impaired, the value of the State's property depreciated, and one of the sublimest objects of nature become less and less attractive.

The apologists and representatives of the corporations before the convention argued that a constitutional amendment prohibiting or limiting the diversion of the Niagara would be useless, since the corporations would be able to secure the right or license to use the water from the Ontario or Canadian authorities, and transfer their plants and bases of operations to that side of the river, with the consequent pecuniary and other material advantages.

The Falls of Niagara belong partly to Canada and partly to the United States. It would naturally be supposed, therefore, that each country would be jealous of any encroachment by the other, and that both would be equally zealous in guarding the Falls from injury or partial destruction, and that some international agreement could be speedily arrived at that would guarantee the desired exemption and protection for all time.

It is hardly necessary for me to advance arguments in favor of international protection of the Falls of Niagara against the designs of wealthy corporations. To permit the latter to inflict permanent injury upon the most famous natural object in the western hemisphere for purposes of private advantage, would be to demonstrate an indifference that would justify the ridicule and excite the contempt of foreign nations and of cultured people everywhere.

The possession of such a natural wonder must be regarded as a trust — faithlessness to which should be followed by universal condemnation.

Something, I hope, may forthwith be done to save the great cataract from the greedy grasp and destructive clutch of money-mongering corporations.

The subject is one of so great importance that it seems to me a correspondence between the United States Department of State, and the Canadian Minister of State, should be opened, with a view of learning the attitude of the Canadian government, and that proper procedure may be determined upon to effect the permanent protection of the Falls by international agreement.

Very respectfully yours,

ANDREW H. GREEN,

President.

NEW YORK, *October 19, 1894.*

J. W. LANGMUIR, Esq., *Chairman Commissioners Queen Victoria
Niagara Falls Park, Toronto, Canada :*

DEAR SIR.—You are no doubt aware of the recent discussions in the New York State constitutional convention on the proposed amendment to prevent further diversion of the waters of the upper Niagara.

To prohibit the New York Legislature from granting to corporations the right or license to divert the water of the river would not, it was argued, be effectual in preventing the taking of water and the consequent diminution of the Falls, inasmuch as the Ontario authorities could still grant such rights or licenses.

In order, therefore, to exempt the river and the Falls from the attacks and depredations of the corporations, it would seem that the only course to pursue is to secure an international agreement, to the effect that hereafter no right or license to divert the water of the river shall be granted to any corporation on either side of the river.

It is quite unnecessary for me to enlarge upon the great importance of preserving the cataracts at Niagara in undiminished volume and dignity, and the equally great importance of checking the destructive designs of corporations organized for mere money-making. I trust that you will agree with me that every reasonable effort to accomplish the desired result will be cordially furthered by your board. I should be glad to hear from you on this subject at your earliest convenience, and oblige,

Very respectfully,

ANDREW H. GREEN,

President.

No. 214 BROADWAY,
NEW YORK, *July 17, 1895.* }

Hon. THEODORE E. HANCOCK,

Attorney-General, Albany, N. Y.:

MY DEAR SIR.—It appears that the Niagara Falls Hydraulic Power and Manufacturing Company are now actually engaged in widening a water-way from the Niagara river just above and around the Niagara Falls.

The Commissioners of the State Reservation are not aware of any lawful authority to increase the take of water from the river by this company, nor indeed to take any water from the river.

The commissioners therefore respectfully request the Attorney-General to enquire as promptly as possible in this matter, and to advise them whether this company has any statutory authority to take water from the Niagara river and, if none exists, to take the necessary measures to protect the interests of the State in the premises.

Will you please let me hear from you on this matter as early as practicable, and oblige,

Yours very respectfully,

ANDW. H. GREEN,

President.

Hon. THEODORE E. HANCOCK,

Attorney-General, Albany, N. Y.:

DEAR SIR.—Supplementing my letter of yesterday respecting the taking of water from the Niagara river, as the work of widening the channel of the canal of the company mentioned in that letter is now actually going on, I will submit it to your judgment whether immediate proceedings should not be taken to stop this work.

July 18, 1895.

Would you favor me with a line indicating the proceedings that you propose to take in the premises, and much oblige,

Yours very respectfully,

ANDW. H. GREEN,

President.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE, }
ALBANY, *November 16, 1895.* }

HON. ANDREW H. GREEN,

President Niagara Reservation Commission, New York City:

DEAR SIR.—Some time ago the question of the right of the Niagara Falls Hydraulic Power and Manufacturing Company to enlarge the capacity of their canal, by which a portion of the water of the Niagara river is diverted for manufacturing purposes, was submitted to me for examination by you. The question is one involving great interests, not only to the corporation referred to, but to the State itself, and I have therefore considered it with a great deal of care, before venturing to express an opinion.

The facts in the case may be briefly stated. The canal in question was originally constructed in the year 1859. Its dimensions were seventy feet wide by fourteen feet deep. The inlet is at Port Day, about one mile above the Falls, and it runs through a strip of land 100 feet wide, to the mills on the bank of the river below the Falls, where the waters, after supplying power to various industries, are discharged into the river.

About the year 1878, the title to the land in the 100 foot strip, as I am informed by Mr. Schoelkopf, of Niagara Falls, was acquired by the present owners, since which time the canal has been in active operation, and has supplied power to mills of a sufficient capacity to

employ a large number of hands, residents of the City of Niagara Falls, and whose continued prosperity, to a very large degree, is dependent upon the operation of the mills in which they are employed. Some time after the acquisition of title to the strip of land by the present owners, they made application to the Land Commissioners of the State of New York for a grant of land under water adjoining the inlet to the canal.

In the papers submitted on that application it was stated to be the intention of the owners to increase the capacity of the canal, and thereby increase its production of horse power. The grant was made by the commissioners, with the condition that no structures were to be built upon the granted land without the consent of the Niagara Reservation Commission. Thereafter, application was made to the Reservation Commission for leave to erect cribs on the land under water, the purpose of which was to prevent the flow of ice and other refuse into the canal, to the detriment of the interests of the Niagara Falls Hydraulic Power and Manufacturing Company.

The capacity of the canal at that time, if I am correctly informed was 200,000 cubic feet per minute. No objection was made (at least publicly) to this diversion of the waters of the river at that time. Since then, however, various grants of privileges by the Legislature of the State have been given to several corporations, to divert the waters of the Niagara river for power purposes. In consequence of these grants apprehension has been created as to the probable effect upon the flow of water over the Falls, and your commission, actuated by commendable zeal to protect the great natural beauty of the Reservation, have determined that further encroachments upon the stream shall be prevented, if possible

The law under which your board was created (chapter 336, Laws of 1883) states that the object of the creation of the commission was to preserve the scenery of the Falls of Niagara. It provides for the condemnation of the lands to be selected by the commission, and for

the compensation to be paid to the owners of the property condemned. In carrying out the provisions of the law several million dollars have been expended by the State of New York, which will be converted into a mere waste of public moneys, if the flow of water over these Falls is to be seriously diminished.

While this is, of course, a very serious consideration, I have not permitted myself to lose sight of the importance to the industries dependent upon the maintenance of the canal for their power, which action on the part of the State authorities will have.

It is a very grave duty to be compelled to pass upon public questions wherein such great private interests are concerned. Nevertheless, it is one which I see no way to escape, and, while from certain considerations, I would be pleased to arrive at a different conclusion, I am compelled to hold, from my examination of the law on the subject, that the Niagara Falls Hydraulic Power and Manufacturing Company may be restrained from increasing the capacity of the canal. It is only fair, however, that my reasons for this conclusion should be stated. They are as follows:

The Niagara river is a public, navigable stream, to the bed of which and the water flowing over it, the State and not the riparian owner, has title.

It would be a waste of time to attempt to show why this proposition is correct. It is sufficient to say that it has been amply supported by judicial decisions and is now the established law.

Ill. C. R. R. Co. v. Ill., 146 U. S., 387.

Smith v. Rochester, 92 N. Y., 479.

Matter of St. Reservation, 16 Abb. N. C., 395.

The sole question, therefore, for determination is, "Can an owner of the soil adjoining a navigable stream divert the water for private manufacturing purposes without the consent of the State?" Let us examine it.

By the term "navigable," it must be remembered, is not meant "capable of being navigated." As used in this discussion, "navigable stream" means one which is navigable in the legal sense. Rivers may be navigable in fact but not in law, or they may be navigable in law but only in part navigable in fact. A mere local interruption of actual navigability, therefore, will not change the character of a stream in its legal aspect.

The river being navigable, in the legal sense, the title to the bed of the stream and to the water flowing over it is in the State, at least to the boundary line between the State and Canada.

People v. Appraisers, 33 N. Y., 464.

Crill v. Rome, 47 How. Pr., 398.

Morgan v. King, 35 N. Y., 454.

People v. Tibbetts, 19 N. Y., 523.

Ex parte Jennings, 6 Cow., 518.

Therefore, leaving out of view for the present the grant of land under water to the Hydraulic Power and Manufacturing Company, the State could unquestionably deprive the corporation of all use of the waters of the river for power purposes by devoting the stream to other public use.

Smith v. Rochester, 92 N. Y.

Whether or not that has been done by the laws establishing the Niagara Reservation, I will discuss hereafter. I prefer at this point to consider the abstract question of the right of an owner of land adjoining a navigable stream to divert a considerable portion of the waters for manufacturing purposes, without a grant or prescriptive right.

Nuisances may always be abated by action in the name of the aggrieved party. Public nuisances include any encroachment upon highways or navigable streams, and it is not an essential characteristic of the encroachment upon the stream that it should be an actual hindrance to navigation.

Wood on Nuisances, 2d Ed., Secs. 478-480, and cases cited.

The diversion of water from a public stream for any other than domestic purposes is a nuisance, and therefore may be abated at the suit of the Attorney-General.

Philadelphia v. Gelmartin, 71 Penn. St., 140.

The Niagara Falls Hydraulic Power and Manufacturing Company is organized under the act of 1875, chapter 611. Its objects are declared to be the development of the hydraulic canal in Niagara Falls, and the establishment and conducting of various manufacturing interests. Under its charter it is not only supplying its own mills but is furnishing other industries with power for a consideration. So far as the latter fact is concerned, certainly no question can be raised as to the rights of a riparian owner to the use of water for his own benefit. I assume the fact that the capacity of the canal at the outset was sufficient for all the purposes of the power company, and that the increased capacity is desired for the purpose of enabling the corporation to derive a revenue from its sale of power to others. I have no hesitation in declaring this to be unlawful. A non-riparian owner is not entitled to any benefits of a stream other than those enjoyed in common by the public, and a riparian owner at the most is entitled only to personal benefits derivable from use devoted to personal purposes solely. They do not include the transmission of power to property located upon premises may be far removed from the lands of the riparian owner.

The case last cited was an action brought by the owner of a boat which had been prevented from navigating the Schuylkill, by reason of the diversion of the waters of that stream by the city of Philadelphia for domestic or other purposes. The court in its opinion says

“In deciding upon the question of illegality in drawing off the water from the navigation, we are carried beyond its use for power, to inquire into the character of the consumption claimed as an overruling necessity. We have already seen that the city is a large vendor of water from which she is deriving revenue, for all the purposes of the

arts, manufacturing, business and pleasure. These uses are not domestic, that is, such as are for the preservation of the life and health of the population and their creatures, but are simply utilitarian or business uses, and far exceed those needed for domestic purposes. And even as to those termed domestic, a distinction must be noted between the use proper and that which is lavishly expended in pavement washing, baths, etc. It is perfectly obvious, therefore, that the city drew off water not only for driving and lifting power, but for a consumption far beyond any imperious necessity, and for purposes wholly subordinate to the right of navigation. She chose to prefer the pecuniary interests of her citizens and doing an injury thereby, she must make compensation to the injured parties. I mean not by these remarks to draw any comparison between the importance of the use of the water for the great purposes of industry, wealth and cleanliness, of a city so populous as Philadelphia, and the use of it for navigation during a few days of drought. The question for us is that of legal right, not comparative weight. Such important interests as those of the city are not likely to lead to the substitution of might for right; yet, they are not of that imperious necessity which justifies might, and changes wrong into right. Administrators of the law, we can not bend or break the law before a large interest, more than we can before one that is small. The doctrine of imperious necessity is not in this case."

It is historical that the Niagara river at Port Day has been navigated by vessels of large burden, and, indeed, to a point some distance below. The erection of cribs to divert ice and other refuse from the canal inlet is, therefore, an actual obstruction to navigation, and it is not necessary to show present use of the river at this point for navigation purposes. Once a highway, always a highway, is true of navigable streams. (See *Yolo v Sacramento*, 36 Cal., 193; *Wood on Nuisances*, 478, 485).

Ex parte Jenkins (6 Cowen, 518), is also of interest on this point. That was a proceeding brought in mandamus to compel commissioners appointed to appraise damages occasioned by the diversion of the stream of the Chittenango, for the purposes of the Erie canal, which diversion prevented the use of the water of the stream by riparian owners for power purposes in operating mills. The court, in awarding mandamus, says :

"The objection is contained in the affidavits of Mr. Seymour, that in point of fact, the State had not parted with the land upon which the Chittenango passes, at the places claimed, but had bounded purchases of land on the margin of the stream ; so that, as he believes, (and he believes the other appraisers were satisfied of the fact being so) the State was still the owner of the land covered by the waters of the stream, and had not parted with it or contracted to part with it, to any person whatever ; or authorized the use of the water for hydraulic purposes at the places in question. If the construction set up by the commissioners be the true one, if the State owns the land covered by the water, it is clear that, though the relators may be entitled to the use of the water flowing by and touching upon them, for all ordinary purposes, yet they can not build mills upon and raise the water of the stream. They are trespassers, and the State may claim not only the waters, but the mills themselves, so far as they encroach upon the stream."

I will not consider the effect of the grant by the Land Commissioners, of lands under water to the corporation operating the canal.

The powers of the Land Commissioners, at the time the grant was made, were conferred by section 67, page 633, volume one, eighth edition, Revised Statutes. It reads :

"The Commissioners of the Land Office shall have power to grant, in perpetuity or otherwise, so much of the lands under the waters of navigable rivers or lakes as they shall deem necessary to promote the

commerce of this State, or proper for the purpose of beneficial enjoyment of the same by the adjacent owner."

The Court of Appeals, in passing upon the character of such grant, says: "In every such grant there was an implied reservation of the public right, and so far as it assumed to interfere with it, or to confer the right to impede or obstruct navigation, or to make an exclusive appropriation of the use of navigable waters, the grant was void."

Again: "Public grants to individuals under which rights are claimed in impairment of public interests, are construed strictly against the grantee, for it is reasonable to suppose that if they were intended to have this operation, the intention would have been expressed in plain and explicit language."

People v. N. Y. & Staten Island Ferry Co., 68 N. Y., 71.

I have been unable to find any language in the grant to the Niagara Falls Hydraulic Power and Manufacturing Company which can be construed as authorizing them to divert the waters of the Niagara river. Applying the principles in the case last cited, it is certain that that grant can afford no defense to an action brought to restrain the unlawful taking of the waters.

It now remains to determine whether or not the waters of the Niagara river have been devoted by the Legislature to a public use to an extent that will prevent the diversion of the water above the Falls for power purposes. The objects and purposes of the statutes creating the Niagara Reservation were to preserve a great natural waterfall and its environments for the enjoyment of the people of this State. In fact, the statutes themselves declare that the commissioners shall take all proper steps to restore and afterwards to preserve the scenery as nearly in its natural state as possible.

The flow of water over the Falls is an essential element in the preservation of the scenery, and if it can be shown (as I am informed it

can) to be the fact that the diversion of the large quantities of water through the canal of the Niagara Falls Hydraulic Power and Manufacturing Company has a diminishing effect upon the flow of the water over the Falls, the diversion is a nuisance and can be restrained

All of which is respectfully submitted.

T. E. HANCOCK,

Attorney-General.

